

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1989

**HELD IN THE CITY OF MONTGOMERY,
COMMENCING TUESDAY, FEBRUARY 7, 1989**



Vol. 2

**WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE**

**Brown Printing Company
Printers—Binders
Montgomery, Alabama**

CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. Legislative roster, listing names and addresses of all members of the current Legislature by district;
2. A listing of legislative days, with calendar dates and pages on which each day begins;
3. A topic index of general bills listed alphabetically by subject matter;
4. A topic index of local bills listed alphabetically by counties;
5. A topic index of resolutions;
6. A miscellaneous index, including all items not categorized as bills or resolutions;
7. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
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JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION OF 1989

TWENTIETH LEGISLATIVE DAY
TUESDAY, APRIL 18, 1989

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, Pastor, New Providence Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Gerald Crumpton, Brewbaker Elementary School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Mitchem
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Rice
Bedsole	Dial	Hilliard	Sanders
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Cabaniss	Ellis	Langford	Windom

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for

the Nineteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Nineteenth Legislative Day was approved by the Senate.

CERTIFICATE OF ELECTION

At the direction of the President and Presiding Officer of the Senate, the Secretary read the following Certificate of Election from the Secretary of State, to-wit:

I, Glen Browder, Secretary of State, in accordance with Section 17-14-24 of the Code of Alabama, 1975, do hereby certify that as shown by the returns of the Election on file in this office,

Stephen R. Windom

was elected Member of Alabama State Senate for the

Thirty-fifth Senate District

at the Special Election held in this state on Tuesday, the 21st day of March, 1989.

In Witness Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Alabama, at the State Capitol, Montgomery, Alabama on this day April 5, 1989.

GLEN BROWDER,
Secretary of State.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Campbell (With Notice and Proof):

S. 656. Relating to Lawrence County; providing for the establishment of a system for assessment and collection of taxes and issuance of licenses under the supervision of elected county officials designated as county revenue commissioner and county license commissioner upon referendum approved by the electors of the county.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 656, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Cabaniss:

S. 657. To amend sections 36-25-1, 36-25-2, 36-25-4, 36-25-5, 36-25-6, 36-25-7, 36-25-10, 36-25-12, 36-25-13, 36-25-15, 36-25-18 and 36-25-27, Code of Alabama 1975, relating to the ethics law, so as to add certain definitions and redefine others; to change reference to elected officials and government employees to public officials and public employees to be consistent throughout the ethics law; to permit the Alabama ethics commission to investigate on its own initiative; to grant subpoena power to the commission; to permit the commission to employ a full-time attorney with statewide prosecutorial powers; to prohibit witnesses, complainants, or informants from making public statements until an investigation is complete; to remove the prohibition against investigating anonymous complaints with certain safeguards; to add additional standards of conduct; to prohibit legislators from representing the state, county or municipalities or instrumentalities thereof in their districts; to prohibit representation of clients for a fee before quasi-judicial boards or commissions, governmental regulatory agencies or executive departments or agencies by public officials and public employees, family members or businesses thereof; to prohibit regulatory officials and employees and families thereof from accepting anything of value; to prohibit former state officials and employees from serving for fees as lobbyists or before agencies where they have previously served for two years after departure; to provide for filing of statements of economic interests by candidates for public office with the probate judge of the county of residence; to provide for removal of names of candidates from ballots; to provide for annual registration of lobbyists as well as an annual registration fee; to authorize the commission to assess a civil penalty for failure to file a correct, timely statement of economic interests; and to provide further for the statute of limitations for violations.

Committee on Judiciary.

By Senator Dial:

S. 658. Exempting tour buses operating in interstate commerce, which do not hold a certificate of public convenience and necessity or a permit issued by the Alabama Public Service Commission to operate in intrastate commerce, from regulation by the Alabama Public Service Commission.

Committee on Commerce,
Transportation, and Utilities.

By Senators Campbell and Hale (With Notice and Proof):

S. 659. Relating to portions of Morgan County, to authorize the county governing body to levy an additional ad valorem tax, to provide said tax shall be subject to voter approval at a referendum, to provide for the collection and administration of said tax, to provide for the distribution of funds derived from said tax to volunteer fire departments and certain emergency medical technicians, to establish certain standards for eligible volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department and to provide that the county shall be immune from certain liability.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 659, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Campbell and Hale (With Notice and Proof):

S. 660. Relating to Morgan County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Morgan County 2015 Commission"; to provide for the composition, officers and duties of the commission.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 660, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Campbell (With Notice and Proof):

S. 661. Relating to Lawrence County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Lawrence County 2015 Commission"; to provide for the composition, officers and duties of the commission.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 661, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Campbell (With Notice and Proof):

S. 662. Relating to Lawrence County, to increase certain court costs and provide for the distribution of the additional court costs.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 662, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Campbell (With Notice and Proof):

S. 663. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780 of the 1986 Regular Session (Acts 1986, p. 595) relating to the salary and expense allowances of the county superintendent of education so as to provide further for such salary and allowances.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 663, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

REGULAR SESSION
20th Day

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By Senator Corbett:

S. 664. To propose an Amendment to the Constitution of Alabama of 1901 to increase the fees for the disposal of hazardous waste.

Committee on Commerce,
Transportation, and Utilities.

The above Bill was read a first time at length as required by the Constitution.

By Senator Barron:

S. 665. To amend Code of Alabama, 1975, Section 40-23-4.1 relating to the sales tax exemption for prescription drugs by clarifying previous legislative intent regarding the sales of drugs to hospitals. This clarification does not constitute a change in, but is declaratory of, pre-existing law.

Committee on Finance and Taxation.

By Senators Bedford, Corbett, Windom, Bennett, Bailey, and Campbell:

S. 666. To amend Section 36-25-13, Code of Alabama 1975, relating to lobbying by former public officials, so as to prohibit lobbying by certain public officials and employees for a certain period.

Committee on Governmental Affairs.

By Senator Bedford:

S. 667. To amend Sections 32-8-2, 32-8-30, and 32-8-31, Code of Alabama 1975, relating to the Uniform Certificate of Title and Antitheft Act to alphabetize terms being defined; to define "mobile homes" and "travel trailers"; to provide for the titling of certain mobile homes and travel trailers; to provide for the exemption from titling certain mobile homes and travel trailers; and to make an appropriation.

Committee on Judiciary.

By Senator Bedford:

S. 668. To amend Section 9-17-33, Code of Alabama 1975, relating to the disposition of oil and gas proceeds, so as to provide for a floating rate of interest on undistributed oil and gas revenues, the furnishing of certain accounting data and for attorney's fees in certain royalty collection suits.

Committee in Natural Resources.

By Senator Preuit:

S. 669. To amend Section 36-23-1, Code of Alabama 1975, relating to constables, so as to provide for abolishing the office by local referendum.

Committee on Judiciary.

By Senator Corbett:

S. 670. To provide that any adult may, without payment of tax, produce limited amounts of beer and wine for personal or family use and not for sale.

Committee on Finance and Taxation.

By Senator Hilliard:

S. 671. To provide retirement allowances from general funds of municipalities for certain former elected officials of municipalities in the state.

Committee on Finance and Taxation.

By Senator Hale:

S. 672. To amend Section 34-24-160, Code of Alabama 1975, relating to applications to practice chiropractic, so as to provide further for said applications.

Committee on Health.

By Senator Windom:

S. 673. To propose an Amendment to the Constitution of Alabama of 1901, to require inspection of hazardous waste generated outside the state prior to its treatment, storage or disposal.

Committee on Commerce,
Transportation, and Utilities.

The above Bill was read a first time at length as required by the Constitution.

By Senator Denton (With Notice and Proof):

S. 674. To authorize the governing body of Tuscumbia to establish an Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within Tuscumbia, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedure for operations and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; and to provide for appeals and other judicial processes.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 674, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Harper and Marietta:

H. 543. In the event that the Board of Water and Sewer Commissioners of any city ("Commissioners") takes over a Water and Fire Protection

Authority's ("Authority") water system, to prohibit the Commissioners from charging customers located within the Authority's territory at rates or for connection fees in excess of the rates or fees charged to customers within the city limits; to increase the membership of the Commissioners' governing board to include the members of the Authority's governing board; to require the Commissioners to establish a \$2,000,000 trust fund for the support and maintenance of the Authority's fire protection system and to provide for the management of said trust; to require the Commissioners to establish an \$8,000,000 escrow account for the purpose of constructing water service improvements within a certain time in the Authority's territory; and to require the Commissioners to construct a sanitary sewer system within a certain time throughout the Authority's territory; and to except the application of this act if the governing board of the authority consents to said acquisition, operation or control of the water system by the commissioners.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 543—to the Committee on Natural Resources

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Blakeney and Black:

H. 886. To propose and amendment to the Constitution of Alabama of 1901, relating to fire protection in Choctaw County, so as to provide for the levy and collection of certain additional property tax for fire protection in said county.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 886—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Bryant, Lindsey, and Richardson:

H. 248. To provide that where a bond is required for persons to be licensed or permitted by the Commissioner or Board of Agriculture and Industries a bond equivalent may be substituted in lieu thereof; that said bond equivalent shall be limited to cash bonds or irrevocable letters of credit and that said bond equivalent shall comply in all aspects with the requirements for a bond; that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to adopt rules and regulations to carry out the provisions of this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 248—to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Freeman:

H. 404. To create the Alabama Workmen's Compensation Self-Insurers Guaranty Association; to provide for its membership and the management of its affairs of the Board of Directors of the Association; to provide that it may assess its members to fund an insolvency fund; and to provide that the Department of Industrial Relations shall regulate the Association.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 404—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (L):

H. 110. To provide for the investment of the ad valorem taxes collected by the ad valorem tax officials of this State, to provide for the distribution of interest on such investments, to establish a fund out of a portion of the interest on said investments for the use of such officials, and to specify certain uses and restrictions on said fund.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 110—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harvey:

H. 671. To amend Section 5-19-19, Code of Alabama 1975, relating to consumer finance, so as to provide that the provisions of the Section concerning the penalties shall be enforced in individual actions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 671—to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mathis:

H. 899. To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize

the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 899—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Turnham and Laird:

H. 156. Providing for elected superintendents of education to participate in the teachers' retirement system upon ratification of an amendment to the Constitution of Alabama 1901 allowing such elected superintendents to participate in such retirement system.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 156—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Turnham and Laird:

H. 157. Proposing an amendment to Article IV, Section 98, Constitution of Alabama, to provide that the legislature shall have the power to provide that elected superintendents of education shall be eligible to participate in the Teachers' Retirement System of Alabama as the legislature may see fit.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 157—to the Committee on Finance and Taxation

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Starkey and Goodwin:

H. 5. To amend Section 16-25-13.1, Code of Alabama 1975, which provides for the purchase of credit for service at Athens State College and the state junior colleges, so as to authorize such purchase for certain former employees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 5—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Breedlove, Mathis, Warren, and Richardson:

H. 17. To provide for and permit the breeding of farm-raised alligators for certain commercial purposes; to provide for the regulation of, and to regulate, the breeding, exhibiting, selling, purchasing, shipping, or transporting of farm-raised alligators or the skins, carcasses or parts thereof, by the state department of conservation and natural resources; to provide for the licensing of alligator farmers, alligator parts dealers, and certain retailers and restaurants; to provide for the procedure for tagging of certain alligator skins, carcasses, meat or parts; to provide for certain property rights in certain alligators and parts thereof; to provide for the furnishing or retention or inspection of certain records or bills of sale, relating to the sale or purchase or shipment of certain such alligator skins or carcasses or parts; to provide for a severance tax upon the skins of certain alligators taken within this state; to prohibit the taking or possession of alligators or their eggs, skins, or parts except as provided herein; to provide for the voiding of said licenses

under certain circumstances; to provide for the forfeiture and disposal of certain alligators, parts, and skins and the cancellation of alligator farmer licenses under certain circumstances; and to provide for penalties.

Also:

By Rep. White (L):

H. 420. To further provide for deductions from the salaries of state employees for employee organizations under certain conditions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 17—to the Committee on Agriculture, Conservation, and Forestry

H. B. 420—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. McClain:

H. 21. To amend Sections 40-7-2, 40-7-19, 40-7-22 and 40-7-31 of the Code of Alabama 1975, relating to procedures for assessment of taxes, so as to change certain deadline dates relating to tax assessment.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 21—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Breedlove:

H. 677. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to the worthless checks or negotiating a worthless negotiable instrument and notice, so as to

increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 677—to the Committee on Small Business

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Newton (D):

H. 58. To amend Sections 41-16-20 and 41-16-24, Code of Alabama 1975, relating to competitive bidding on public contracts, so as to provide further for the minimum amount of certain purchases and contracts that must be subjected to competitive bid procedures.

Also:

By Rep. Holley:

H. 565. To amend Section 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights, so as to regulate further the sizes and weights of motor vehicles on the highways in Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 58—to the Committee on Finance and Taxation

H. B. 565—to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mathis:

H. 26. To amend Sections 32-9-20 and 32-9-25 of the Code of Alabama 1975 relating to motor vehicle sizes and lengths so as to further regulate

the sizes and lengths of motor vehicles on highways in Alabama, and to further regulate exceptions and exemptions.

Also:

By Rep. Hammett:

H. 854. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and distribution of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended, to provide (in certain cases) for the distribution of less than all such net income if and to the extent specified in the certificate of incorporation of a gas district, and to provide that the inclusion in any such certificate of incorporation of provisions authorizing the distribution of less than all such net income shall operate both prospectively and retrospectively.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 26 and 854—to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Butler, Fuller, Hooper, Burke, Biddle, Carothers, Beasley, White (L), Freeman, Johnson (RG), McClain, and McDowell:

H. 166. This bill amends the notifiable disease statute by removing the requirement for a complete physical examination prior to obtaining a marriage license; removes the requirement that all persons confined in a city or county jail be tested for contagious diseases; removes the requirement that a commitment hearing be before a jury; and removes the requirement that the state be responsible for all expenses incurred in the care and treatment of persons with contagious diseases for an unlimited length of time. Provides for the approval of laboratory test for AIDS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 166—to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Venable:

H. 54. To create the Flexible Employee Benefits Board and to provide that such board, with the approval of the Governor, may establish a flexible benefit plan for State employees that will constitute a "Cafeteria Plan" under the Internal Revenue Code of 1986, as amended (Section 125 and any other applicable sections), that will provide employees a means of providing themselves medical and other benefits in a tax-effective manner by allowing employees a choice between cash and qualified benefits.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 54—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harvey:

H. 76. To authorize any political subdivision or other entity subject to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to practice certain relocation assistance and payment procedures in order to comply with said Uniform Relocation Act; and to repeal sections 23-1-200 through 23-1-209, Code of Alabama 1975, the existing "Relocation Assistance Act."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 76—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Blakeney, Hamilton, and Marks:

H. 63. To declare that all conveyances and vehicles of transportation, including trailers and semi-trailers, horses, or any other equipment, together with all harness or other accessories used in the perpetration of livestock theft, be contraband and forfeited to the State Department of Agriculture and Industries; to allow Livestock Theft Investigators and other officers to seize property used in the perpetration of livestock theft and report said seizure to the District Attorney; to require that the District Attorney institute condemnation proceedings against property in the same manner as condemnation proceedings against property used to transport illegal alcoholic beverages; to require that the proceeds from the sale of such property be paid into the state agricultural fund; to allow lienholders with a perfected security interest under the Uniform Commercial Code to recover the property after payment of expenses.

Also:

By Rep. Layson:

H. 734. To further amend Section 40-23-5, Code of Alabama 1975, as last amended, by Act No. 88-542, S. 204, Regular Session 1988, relating to the exemption of certain worthy organizations and vendors from the payment of state, county and municipal sales and use taxes, so as to provide for further exemptions of certain county public hospital associations and their lessees and successors organized pursuant to Section 10-3A-1, *et seq.*, Code of Alabama 1975, as amended, nonprofit corporations; and to make the provisions retroactive.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 63—to the Committee on Judiciary

H. B. 734—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Campbell and Hill:

H. 91. To provide for uniform federal lien registration; to provide for the registration of federal tax liens and other liens; to provide for the place

of filing; to provide for the duties of the filing officer, to provide for filing, indexing and other fees payable to the filing officer; to provide for severability or the provisions of this act; to provide for the repeal of Section 35-11-40 and Section 35-11-41, Code of Alabama 1975, relating to filing of notices of tax liens of the United States, and for the amendment or repeal of conflicting provisions of law; and to provide for an effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 91—to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Starkey:

H. 121. To amend the following sections of Chapter 89A of Title 11 of the Code of Alabama 1975, relating to solid waste disposal authorities, for the following purposes: Section 11-89A-1, relating to legislative findings, so as to take account of the possibility of joint incorporation of such authorities by two or more counties or municipalities; Section 11-89A-2 relating to definitions, so as to provide that the term "revenues" shall include the proceeds of any special tax to which an authority may be entitled and to add the definition of "special tax"; Sections 11-89A-3, 11-89A-4 and 11-89A-5, relating to filing of application for incorporation of an authority, authorization of incorporation of an authority by a governing body of a county or a municipality or any two or more thereof, contents, execution and filing of a certificate of incorporation, and procedure for amendments to certificates of incorporation; Section 11-89A-6, relating to the board of directors of an authority, so as to provide for election, terms of office, vacancies, qualifications, expenses and impeachment; Section 11-89A-8, relating to powers of an authority and location of facilities of an authority, so as to provide that the power of an authority to pledge for the payment of any bonds issued or assumed by the authority its revenues shall include the pledge of proceeds of any special tax to which such authority may be entitled and to provide that any facility or facilities of an authority may be located at such places, within or without the boundaries of its determining subdivisions, as it considers necessary or advisable, subject to the requirement that the governing body of any county or municipality other than a determining subdivision with respect to an authority must give its prior consent to the location in such county or municipality of any facility or facilities owned or operated by such authority in such county or municipality, and to provide that an authority shall not have the power to levy any taxes; Section 11-89A-9, relating to bonds of an authority, so as to make necessary changes in detail relating to the possibility of joint incorporation of an authority by two or more counties or municipalities; Section 11-89A-15, relating to cooperation, aid and agreements from and with other bodies, so

as to provide that any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state may transfer to an authority the proceeds of any special tax which may be levied for the benefit of such authority or any facility owned or operated by such authority or the proceeds of which may have been appropriated, allocated or apportioned to such authority, or to or for the benefit of any such facility, by the Legislature or by the governing body of a county or municipality; Section 11-89A-19, relating to disposition of net earnings of an authority, so as to provide that net earnings of an authority may, in the discretion of its board of directors, be paid to one or more of its determining subdivisions; Section 11-89A-21, relating to dissolution of an authority and vesting of title to an authority's property upon such dissolution, so as to provide that upon dissolution of an authority, the title to all its property shall vest in one or more counties or municipalities in such manner and interests as may be provided in the authority's certificate of incorporation and that if such certificate of incorporation contains no provision respecting the vesting of title to the properties of the authority, title to all such property shall thereupon vest in its determining subdivisions as tenants in common; and to provide that the provisions of this act shall be severable.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 121—to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Lindsey, Butler, Parker, Burke, Dillard, Harvey, Hamilton, Gaston, Moon, Logan, Venable, Holley, Laird, Willis, Clark (J), Curry, Sanderford, and Wright:

H. 342. To amend Sections 11-89-1, 11-89-3, 11-89-4, 11-89-5, 11-89-6, 11-89-7, 11-89-13, 11-89-17, and 11-89-18, of the Code of Alabama 1975 pertaining to water, sewer and fire protection districts so as to provide for the creation of districts as public corporations under Chapter 89 of Title 11 of the 1975 Code which would act as providers at wholesale of water or sanitary sewer service to municipalities, counties or other public corporations in the state or to particular customers of such municipalities, counties or public corporations at their written request, by providing for the incorporation of such supply districts, the amendment of their certificates of incorporation, election of their directors, and their powers, to empower any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state to contract with such supply districts, including "take-or-pay" contracts, to authorize provisions for the dissolution of the district, to provide that the existence of a district shall not prevent the incorporation of another, to reduce the required number of directors of any district under the said Chapter 89 from five to three, and to reinsert provisions of Section 11-89-6 of the Code of Alabama 1975 which were deleted therefrom

by mistake in 1986, and to make conforming changes in the aforesaid Sections to effectuate all of the foregoing.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 342—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Breedlove:

H. 676. To amend Sections 24-7-1, 24-7-2, 24-7-3, and 24-7-4, Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to define the term "reservation," provide further for the appointment of members of the Authority, delete the reference to the Civil Rights Act of 1968, and provide further for the duties, powers and area of operation of the Authority.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 676—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Williams, Layson, Mikell, Grouby, Holley, Laird, Richardson, Parker, White (L), and Hall:

H. 731. To amend Section 1-3-8 of the Code of Alabama 1975, relating to holidays observed by the state, so as to provide further for such holidays.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 731— to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Harper and Bugg:

H. 144. To provide for financially assisted continuing education programs for certain teachers; to provide for financially assisted postsecondary education programs for certain residents in a course of study which will qualify said resident to teach in public elementary and secondary schools; to provide for the manner and means of paying for said financial assistance; to require the repayment of said funds by the programs' participants in certain instances; to require programs' participant to teach a certain number of years; to require certain reports to be filed with the legislature; to grant the commission power to make necessary rules and regulations and to repeal Section 16-23-17 of the Code of Alabama 1975, which created the elementary teachers' scholarship fund.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 144—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Penry, McMillan, Blakeney, Hammett, and Beasley:

H. 158. To amend Section 37-6-21 of the Code of Alabama of 1975 to permit the board of trustees of a rural electric cooperative to mortgage or encumber the property, assets rights, revenues and income of a cooperative without approval of the members and to define a substantial portion of the property referred to in this section.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 158—to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Carter:

H. 170. To provide that out-of-court statements made by children under twelve years of age at the time of the proceeding concerning an act that is a material element of any crime involving child sexual abuse, as defined, not otherwise admissible are admissible in a criminal proceeding in certain circumstances; to specify those circumstances; and to define crimes involving child sexual abuse for purposes of this act.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 170—to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Starkey:

H. 259. To amend section 10-11-2, Code of Alabama 1975, relating to immunity from civil liability for certain officers of nonprofit corporations, so as to include said officers appointed by mayors.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 259—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Cosby, Lindsey, Carter, Richardson, Burke, Butler, Fuller, Breedlove, Blake, Williams, Thomas, Hooper, McMillan, Mikell, and White (L):

H. 264. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; to provide for the powers and duties of solid waste officers; to provide that failure to comply with the provisions of the article shall constitute a public nuisance; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 264—to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Carothers, Beasley, and Mathis:

H. 273. To amend sections 22-21-260, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-270, 22-21-271, and 22-21-275, Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, so as to delete the reference to federal regulations, increase the monetary thresholds for certificate of need review and to exempt replacement of equipment from review, include inventories for some specialized services in the State Health Plan and to repeal sections 22-21-269 and 22-21-272, Code of Alabama 1975, relating to certificates of need for planning and contracts for review and recommendations concerning applications for certificates of need.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 273—to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gray, Drake, Dilliard, Ford, Hamilton, Curry, Knight, Hooper, Campbell, Blakeney, Mikell, McKee, Zoghby, Gaston, Freeman, Parker, Williams, Higginbotham, Carter, Seibels, Harvey, Sanderford, Brooks, Coburn, Moon, Crow, Turnham, Rogers, White (L), Kvalheim, Turner, McMillan, Hogan, Frazier, Willis, Thomas, Rains, Buskey (JL), Mathis, Beasley, Warren, Hammett, Blake, Poole, Fuller, Haynes, Cosby, Venable, Bryant, Breedlove, Johnson (RG), Richardson, Davis, White (G), Newton, Hall, Payne, Carothers, White (F), Perdue, Petelos, Box, Starkey, Melton, Butler, McClain, McDowell, Burke, Lindsey, Beers, Bowling, Spratt, Wright, Hill, Headley, Johnson (RW), Newman, Holley, and Marks:

H. 360. To amend Section 17-4-131 of the Code of Alabama 1975, relating to death information furnished to boards of registrars, so as to provide further for what information shall be furnished, to provide that said information shall be furnished to all county boards of registrars and to require affected boards of registrars to purge said name from the registration lists within a certain time.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 360—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Higginbotham, Box, Hooper, Holley, McKee, Payne, Flowers, Turnham, and Campbell:

H. 445. To create the Alabama Prepaid College Tuition Trust Fund (the Fund) and a board of trustees (the board) to administer the fund and implement the provisions of this act; to declare legislative intent; to name this act the "Alabama Prepaid College Tuition Act"; to provide definitions; to provide for the membership, terms of office, qualifications, reimbursement, meetings, powers, duties and responsibilities of the board of trustees of the trust fund; to grant broad powers necessary to implement this act; to authorize

investments by the board; to provide for the location and administration of the trust fund; to authorize prepaid college tuition contracts between the board and individuals for the benefit of qualified beneficiaries in order to receive college or university education; to provide for the terms of such contracts and the rights of parties to such contracts; to provide for payroll deductions for such contracts; and to provide for certain specific requirements of the board.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 445—to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Ford:

H. 450. To amend Section 5-17-8, Code of Alabama 1975, so as to grant to the Administrator of the Alabama Credit Union Administration the power to order a credit union to cease and desist from certain activities, to suspend individuals from participating in the affairs of a credit union and to establish procedures to appeal such orders to the Board of the Alabama Credit Union Administration; amends Section 5-17-18, Code of Alabama 1975, so as to prohibit late charges for any credit union loan not calculated on a simple interest basis; and amends the credit union laws so as to prohibit specific acts which would be prohibited if credit unions were subject to the prohibited acts provisions of state banking laws; providing penalties for violation of this act.

Also:

By Rep. White (G):

H. 539. To permit an authorizing subdivision to exercise police powers on airport authority property; and to amend Section 4-3-47, Code of Alabama 1975, as amended, which pertains to the powers of an airport authority, to provide that jurisdiction over misdemeanors committed on the property of an airport authority shall be vested in the courts of any municipality that is an authorizing subdivision when no county is an authorizing subdivision.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 450—to the Committee on Governmental Affairs

H. B. 539—to the Committee on Judiciary

REPORTS OF COMMITTEES

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 447. To amend Section 41-16-21 of the Code of Alabama 1975, so as to provide that competitive bidding shall not be required for the purchase of parts and/or labor for purposes of repairing or rebuilding fire control equipment by the Alabama Forestry Commission.

By Senator Langford:

S. 552. To create a continuing permanent municipal government committee of the legislature and to provide for the composition, membership, term, duties, administration and compensation of the committee.

By Senator Bedford:

S. 595. To amend Section 12-17-140 of the Code of Alabama 1975, relating to qualifications for supernumerary status for circuit clerks and registers, so as to provide additional qualifications for supernumerary circuit register status.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford (With Amendment):

S. 602. To further amend Section 41-16-50, Code of Alabama 1975, as amended, relating to public contracts requiring competitive bidding, so as to include separate boards of trustees.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 638. To propose a constitutional amendment authorizing the legislature to enact laws regulating costs and charges of court in certain political subdivisions; to validate certain prior acts and actions taken pursuant thereto; and to prohibit retroactive levy and collection of said costs and charges.

The above Bill was read a second time at length as required by the Constitution.

By Senator deGraffenried:

S. 558. To provide that anyone who causes an athlete in any college or university in this state to lose his or her National Collegiate Athletic Association eligibility by inducing the athlete to sign a contract or by paying money or anything of value to the athlete is guilty of a Class C felony; and to provide that it is no defense that the prohibited action takes place in whole or part outside the state.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, has acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Covington (With Notice and Proof):

S. 565. Relating to Pike County; separating the office of the judge of probate from the chairmanship of the county commission pursuant to Constitutional Amendment 503 to the Constitution of 1901; providing for the compensation of such officers and transferring the duties, authority, records, assets and funds of such officers; and providing for the effective date.

WHEREAS, the people of Pike County have spoken, by ratifying Act No. 88-308, H. 894 of the 1988 Regular Session on November 8, 1988, which act became Constitutional Amendment 503 to the Constitution of 1901, and approved the Pike County Government Modernization Amendment; and

WHEREAS, Amendment No. 503 to the Constitution of 1901, prescribes, in part, that the office of the judge of probate and the chairmanship of the county commission shall be separated; transferring duties, records, assets and funds of such offices; providing for the qualifications and election procedures and compensation for such chairman and the judge of probate, and the effective date; now therefore,

By Rep. Marks (With Notice and Proof):

H. 38. Relating to Morgan County; providing for minimum compensation for the bailiffs of said county.

By Rep. Flowers (With Notice and Proof):

H. 500. Relating to Pike County; repealing Act No. 87-760, H. 853, Regular Session 1987 (Acts 1987, p. 1481) entitled, "An Act Relating to Pike County; levying certain additional court costs and providing that the proceeds shall be utilized for the establishment of a legislative delegation office."

BILL REFERRED

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, has acted on the Bill, S. B. 529, and ordered same returned to the Senate with a favorable report.

Pursuant to the provisions of Senate Rule 51, the President and Presiding Officer of the Senate ordered said Bill, S. B. 529, referred to the Standing Committee on State Development and Tourism.

REPORTS OF COMMITTEES RESUMED

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Sanders (With Notice and Proof):

S. 530. Relating to the City of Eutaw in Greene County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw; to provide that the act shall become operative only if approved by affected electors and to provide for a referendum.

By Senators Hale and Campbell (With Notice and Proof):

S. 562. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county effective October 1, 1988.

By Senator Sanders:

S. 617. To propose an amendment to the Constitution of Alabama 1901 for Wilcox County to provide further for filling vacancies in certain county offices.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders:

S. 618. To propose an amendment to the Constitution of Alabama 1901 for Sumter County to provide further for filling vacancies in certain county offices.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders:

S. 619. To propose an amendment to the Constitution of Alabama 1901 for Perry County to provide further for filling vacancies in certain county offices.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders:

S. 620. To propose an amendment to the Constitution of Alabama 1901 for Greene County to provide further for filling vacancies in certain county offices.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders:

S. 621. To propose an amendment to the Constitution of Alabama 1901 for Lowndes County to provide further for filling vacancies in certain county offices.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders:

S. 631. To propose an amendment to the Constitution of Alabama 1901 for Lowndes County to provide further for filling vacancies in certain county offices.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders:

S. 632. To propose an amendment to the Constitution of Alabama 1901 for Wilcox County to provide further for filling vacancies in certain county offices.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders:

S. 633. To propose an amendment to the Constitution of Alabama 1901 for Perry County to provide further for filling vacancies in certain county offices.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders:

S. 634. To propose an amendment to the Constitution of Alabama 1901 for Greene County to provide further for filling vacancies in certain county offices.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders:

S. 635. To propose an amendment to the Constitution of Alabama 1901 for Sumter County to provide further for filling vacancies in certain county offices.

The above Bill was read a second time at length as required by the Constitution.

By Senator Preuitt:

S. 637. Proposing an amendment to the Constitution of Alabama to restrict the levy and assessment of sales and use taxes in the City of Talladega, Talladega County.

The above Bill was read a second time at length as required by the Constitution.

By Senator Ellis (With Notice and Proof):

S. 649. Relating to Shelby County; authorizing the county commission to provide an increase in county salary supplement for each circuit judge and district attorney within the eighteenth judicial circuit and each Shelby County district judge.

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By Rep. Blake (With Notice and Proof):

H. 417. Relating to St. Clair County; amending Act No. 81-74, H. 253, 1981 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to increase the allowance for election officials who work at polling places and the returning officer.

By Rep. Laird (With Notice and Proof):

H. 670. To fix the fee for the issuance of pistol permits in Randolph County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

By Rep. Layson:

H. 712. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on solid waste disposed of in Pickens County.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Layson (With Notice and Proof):

H. 778. Relating to Pickens County; providing further for the compensation for election officials and repealing Act No. 79-185, S. 351, 1979 Regular Session.

By Senator Hale (With Notice and Proof):

S. 622. To provide an annual supplemental retirement benefit to the retired circuit judges and district attorneys of the 8th Judicial Circuit, payable from the county treasury of the county comprising said circuit; to provide that the circuit judges and district attorneys holding office on the effective date of this act may elect to come under this act and that any circuit judge or district attorney hereafter elected or appointed to office shall come under its provisions as a matter of law; to provide that said participating judges or district attorneys shall contribute to the county treasury a portion of their county salary supplement in order to qualify for the benefits provided herein; to provide that said judges and district attorneys shall begin drawing the additional retirement benefits provided herein at the time they qualify for and begin receiving benefits from the state judicial retirement fund; to provide that said participating judges and district attorneys may elect to withdraw contributions plus interest from the county treasury should their judicial service be terminated prior to becoming eligible for the benefits provided herein, or may elect to leave said contributions with the county treasury until such time as they attain a retirement age and become eligible to receive the benefits provided herein; to provide for a return of contributions, or any remaining portion thereof, to the estate of a participating judge or district attorney should such participant die prior to becoming eligible for the benefits provided herein or prior to recouping all of his contributions; and to provide an effective date.

By Senator Campbell (With Notice and Proof):

S. 640. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Figures and Windom (With Notice and Proof):

S. 642. Amending Act No. 80-164, H. 167, 1980 Regular Session, which supplements the salaries of the Circuit Judges of the Thirteenth Judicial Circuit in Mobile County, so as to increase said supplement.

BILLS REFERRED

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the Bills, H. B.'s 150 and 535, and ordered same returned to the Senate with a favorable report.

Pursuant to the provisions of Senate Rule 51, the President and Presiding Officer of the Senate ordered said Bills, H. B.'s 150 and 535, referred to the Standing Committee on State Development and Tourism.

REPORTS OF COMMITTEES RESUMED

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hale (With Notice and Proof):

S. 614. Relating to Cullman County; to amend further Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), which act levies a sales and use tax in Cullman County and provides for the distribution and use of the tax proceeds, so as to remove a special, separate account established to receive such tax proceeds; to remove the bonding requirements of the custodian of public school funds of Cullman County; and to require the custodian of public school funds to deposit such tax revenues or proceeds into the general fund of the Cullman County school system.

By Senator Hale (With Notice and Proof):

S. 615. Relating to Cullman County; providing for the county commission on education to reimburse the office of the county superintendent of education for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county allocated for schools.

By Senator Hale (With Notice and Proof):

S. 643. Pertaining to the Twenty-third Judicial Circuit; to amend Section 1 of Act No. 80-407, H. 792, 1980 Regular Session (Acts 1980, p. 566), relating to the supplement to the salaries of the district judges of said judicial circuit, so as to provide further for such supplement.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Reps. Higginbotham, Clark (J), Turnham, Flowers, Butler, Turner, Bowling, Curry, White (L), Carter, Britnell, Fuller, Hooper, Slaughter, McMillan,

Warren, White (G), Beers, Willis, Kennedy, Cosby, Dillard, Adams, Frazier, Venable, Headley, Holley, McKee, Payne, Rains, Buskey (JE), Logan, Hill, and Walker:

H. 447. To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to provide definitions; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material; to define and prohibit the distribution to a minor, the possession with intent to distribute to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is harmful to minors; to provide for misdemeanor and felony criminal penalties; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violation of this Act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of all obscene material and material which is harmful to minors used, intended to be used, or obtained in violation of the provisions of this act; to provide for the forfeiture and disposition of moneys, negotiable instruments, and funds used, intended to be used, or obtained in any violation of the provisions of this act; to provide for the forfeiture and disposition of proceeds or receipts derived from property which is subject to forfeiture pursuant to the provisions of this act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red light Abatement Act and Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975, which pertain to obscene materials displaying or depicting children, shall not be repealed, amended, affected, or limited, to provide that city and county ordinances not in conflict with the provisions of this act shall not be repealed by implication; to exclude certain libraries and employees and agents of such libraries from the criminal penalties of this Act; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

By Senator Amari:

S. 342. To authorize the Department of Human Resources to establish and administer a welfare employment program; to require certain applicants for and recipients of public assistance to participate in the employment program; and to repeal Sections 38-11-1 through 38-11-12 of the Code of Alabama 1975 relating to an Alabama human resources board and public works program for certain persons on public assistance.

By Senator Figures:

S. 29. To prohibit discrimination in the selling, renting, leasing, and financing of housing; to prohibit certain actions and activities; and to provide penalties.

By Senator Preuitt:

S. 441. Whenever any health insurance policy, contract, plan or agency certificate provides for reimbursement for any service which is within the lawful scope of practice of licensed registered nurses who have passed a national certification examination for the specialty practice of nurse anesthetist as recognized by the Alabama Board of Nursing, and said services

are performed by a certified registered nurse anesthetist as recognized by the Alabama Board of Nursing, then the insured, or any other person covered by the policy, contract, or certificate shall be entitled to reimbursement and payment for such services performed by the Certified Registered Nurse Anesthetist, and said Certified Registered Nurse Anesthetist shall be entitled to direct reimbursement by the insurer.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 146. COMMENDING MR. JOHN L. STALLWORTH OF HUNTSVILLE, ALABAMA.

Which was filed.

Senators Parsons and Drinkard offered the following Senate Joint Resolution, to-wit:

S. J. R. 147. URGING THE ALCOHOLIC BEVERAGE CONTROL BOARD TO ESTABLISH A PILOT PROGRAM.

WHEREAS, the 1989-90 fiscal year appropriations include reductions in funds paid to the Alcoholic Beverage Control Board; and

WHEREAS, said budget cuts may necessitate reduction in staff and the closing of certain alcoholic beverage control board stores; and

WHEREAS, certain members of the Legislature have long advocated that alcoholic beverage stores should be operated by private enterprise and the state should not be in the business of selling alcoholic beverages; and

WHEREAS, Mobile County provides an ideal demographic, geographic and economic atmosphere in which to experiment with the privatization of all alcoholic beverage retail stores; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in the event that personnel reductions and store closings are required due to reduced funding, the Administrator of the Alcoholic Beverage Control Board is urged to implement said staff reductions and store closings exclusively in Mobile County. The Administrator is further urged to incorporate said actions as a part of a pilot program in Mobile County to study the effects of privatization of the sale of alcoholic beverages.

BE IT FURTHER RESOLVED, That the Administrator of the Alcoholic Beverage Control Board receive a copy of this resolution so that he may know of the Legislature's wishes in regard to this matter.

Which was read and referred to the Standing Committee on Rules.

Senator Bedsole offered the following Senate Joint Resolution, to-wit:

S. J. R. 148. MOURNING THE DEATH OF MRS. MARY FRANK SLEDGE OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Mrs. Mary Frank Sledge of Mobile, Alabama, on April 7, 1989, at the age of 95 years; and

WHEREAS, Mrs. Sledge was a native of Birmingham and a resident of Mobile since 1918; she was the widow of Dr. Edward S. Sledge, a noted Mobile surgeon; and

WHEREAS, Mary Frank Sledge was a prominent and influential leader in the civic, social and religious life of her city and she was particularly interested in historic preservation, having founded the Historic Mobile Preservation Society in 1935; and

WHEREAS, she was a descendent of families long prominent in the history of Alabama and of the South who, in the highest tradition, carried forward the precepts of her forebears; and

WHEREAS, Mrs. Sledge reflected the uncommon endowments of foresight, perseverance, and capacity for intelligent leadership and she shall be missed keenly by her host of friends in all walks of life to whom she gave so generously of her talents and friendship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Mary Frank Sledge of Mobile, Alabama, and extend sincere and deepest sympathy to her son, Eugene Bondurant Sledge, and her grandchildren, Clark Sledge, Edward Sledge, Jr., John Sturdivant Sledge, William Henry Sledge and Mary Louise Sledge, whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Cabaniss, B. I. R., S. B. 481, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley
Bailey	Denton	Hale	Mitchem
Barron	Dial	Hand	Parsons
Bedsole	Dixon	Holmes	Rice
Bennett	Drinkard	Horn	Smith (J)
Cabaniss	Figures	Langford	Windom
Corbett	Foshee		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 481. Relating to the City of Birmingham in Jefferson County; to amend Article V, Sections 1 and 2 and Article VI of Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended by Act No. 1272, H. 620, Regular Session 1973 (Acts 1973, p. 2124), and as previously and subsequently amended which created a retirement and relief system for officers and employees of the City of Birmingham, so as to provide further for participant and city contributions, and for cost of living increases to benefits being paid.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, S. B. 481, to-wit:

SUBSTITUTE FOR S. B. 481

A BILL TO BE ENTITLED AN ACT

To amend Act No. 929, 1951, Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended which created a retirement and relief system for officers and employees of the City of Birmingham, so as to provide further for participant and city contributions, for benefit increases, and for related matters.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Article V, Section 1 of Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended, is hereby further amended to read in full as follows:

"Section 1. Participant's Contributions.

(a) Until subsection (b), below, becomes effective, each Participant shall contribute to the cost of the System, and the City shall deduct from his salary, an amount equal to seven percent (7%) of his actual monthly salary and said deductions by the City shall immediately be paid into the Fund.

(b) Commencing with the first payroll period, (October 10, 1975) which begins after the effective date of this subsection (b), and continuing thereafter, each Participant shall contribute to the cost of the System, and the City shall deduct from his salary, an amount equal to six percent (6%) of his actual monthly salary and said deductions by the City shall immediately be paid into Fund.

(c) Should the City through error, inadvertence or otherwise, neglect to make proper deduction for the fund from the salary of any employee member for any payroll period, the employee member shall be liable to the fund for the amount or amounts that should have been deducted and shall pay said amount to the custodian on demand.

(d) Commencing with the first full payroll period after June 30, 1989, which full payroll period begins after the effective date of this subsection, each participant shall contribute to the cost of the System, and the City shall deduct from said participant's pay, an amount equal to seven percent (7%) of actual monthly pay, said amount to be immediately paid into the Fund.

(e) Notwithstanding this section, participants who are employees of the Jefferson County Department of Health shall continue to contribute only six percent (6%) of actual pay to the Fund."

Section 2. Article V, Section 2. of Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended, is hereby further amended to read in full as follows:

"Section 2. City's Contributions.

At the same time the deductions attributable to participants' contributions are paid into the Fund, the City will pay into the fund an equal amount."

"The Jefferson County Department of Health shall pay into the fund from its general or otherwise appropriate funds its Current Service Costs and its Past Service Costs to be determined as of the date of the commencement of each fiscal year of the City as follows:

"a. The actuaries shall determine the Normal Cost of the benefits provided by the System which are attributable to Health Department Participants.

"b. From the normal cost shall be subtracted the value of the Health Department Participants' contributions in the previous City Fiscal Year.

"c. The remainder thus arrived at shall be divided by the total covered payroll of all Health Department Participants as of the first day of the City Fiscal Year, the resultant percentage shall be called the 'Current Service Percentage' and the Current Service Percentage shall be multiplied by the total covered payroll of all Health Department Participants at the end of each Payroll Period to determine the Health Department's 'Current Service Cost' for the Payroll Period.

"d. The actuaries shall determine the single sum of unfunded Accrued Liability and shall amortize it from that date over a period of thirty (30) years, attributing a ratable portion to the Health Department Participants.

"e. This unfunded Accrued Liability, as amortized over thirty (30) years, shall be divided by total covered payroll of all Health Department Participants, the resultant percentage shall be called the 'Past Service Percentage' and the Past Service Percentage shall be multiplied by the total covered payroll of all such Participants at the end of each Payroll Period to determine the 'Past Service Cost' for the Payroll Period."

Section 3. Article VI of Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended, is hereby amended by adding thereto an additional section to read as follows:

"Section 23. Cost of Living Increases.

Upon approval of the governing body of the municipality primarily served by the System and upon approval of the Board of Managers, an increase in the amount of benefits, including improvements in the terms of benefits such as earlier vesting, and cost of living increases for past and future retirees, may be granted, subject to the terms and conditions stated herein. Such increases shall not apply to participants or retirees of the Jefferson County Department of Health.

Prior to approving an increase in the above described benefits, the Board shall obtain the actuarial evaluation of the fund. Such evaluation shall project the actuarial cost of benefits for the succeeding plan year and shall combine therewith the applicable payment required under the current and any future plan for amortizing unfunded Accrued Liability. This total amount shall be deducted from the total of participant's and city contributions. The remaining balance shall become the total available for benefit increases. Upon approval of the Board and the municipal governing body, this amount may be used to pay the cost, as determined by the Board's actuary, of benefit increases, improved vesting provisions, cost of living increases for past and future retirees, a reserve, and other benefits which may be adopted. Such benefit increases may be discontinued or reduced in the event participant and city contributions are not sufficient to pay all cost thereof. Such increases shall not apply to participants or retirees of the Jefferson County Department of Health.

Section 4. This act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Bailey	Denton	Hale	Mitchem	
Barron	Dial	Hand	Parsons	
Bedsole	Dixon	Holmes	Rice	
Bennett	Drinkard	Horn	Smith (J)	
Cabaniss	Figures	Langford	Windom	
Corbett	Foshee			—25

Nays: —0

And said Bill, S. B. 481, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Bailey	Denton	Hale	Mitchem	
Barron	Dial	Hand	Parsons	
Bedsole	Dixon	Holmes	Rice	
Bennett	Drinkard	Horn	Smith (J)	
Cabaniss	Figures	Langford	Windom	
Corbett	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., S. B. 592, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Holmes	
Bailey	Covington	Foshee	Horn	
Barron	deGraffenried	Goodwin	Manley	
Bedsole	Denton	Hale	Rice	
Bennett	Dial	Hand	Sanders	
Cabaniss	Dixon	Hilliard	Windom	
Campbell	Drinkard			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 592. To alter and rearrange the boundary lines of the City of Demopolis, Marengo County, Alabama, so as to include within the corporate

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limits of said city, in addition to the present territory included within the corporate limits, certain other territory.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Holmes	
Bailey	Covington	Foshee	Horn	
Barron	deGraffenried	Goodwin	Manley	
Bedsole	Denton	Hale	Rice	
Bennett	Dial	Hand	Sanders	
Cabaniss	Dixon	Hilliard	Windom	
Campbell	Drinkard			—25

Nays: —0

THE BILL:

H. 814. Relating to the Blount County merit system; amending Section 4 of Act No. 648, H. 1128 of the Regular Session 1978 (Acts 1978, p. 916), relating to eligible persons for membership, so as to exclude the chief clerks of each elected office from the exception and include as eligible for membership.

was taken up.

On motion of Senator deGraffenried, further consideration of the Bill was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B. I. R., H. B. 694, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Holmes	Preuitt	
Barron	Dixon	Horn	Rice	
Bedford	Drinkard	Langford	Sanders	
Bedsole	Ellis	Manley	Smith (B)	
Bennett	Figures	Mitchem	Smith (J)	
Campbell	Foshee	Parsons	Windom	
Denton	Hale			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 694. To authorize the governing body of the City of Decatur, in Morgan County, Alabama, to establish a Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within the City of Decatur, and to

promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto, and to provide for appeals and other judicial processes.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill H. B. 694, to-wit:

AMENDMENT TO H. B. 694

On page 12, on line 25, after the words "review board." insert the following:

Any commission or board created as a result of the provisions of this act shall have no jurisdiction or power concerning houses of worship and the properties owned on the effective date of this act by said houses of worship.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Holmes	Preuitt	
Barron	Dixon	Horn	Rice	
Bedford	Drinkard	Langford	Sanders	
Bedsale	Ellis	Manley	Smith (B)	
Bennett	Figures	Mitchem	Smith (J)	
Campbell	Foshee	Parsons	Windom	
Denton	Hale			—25

Nays: —0

And said Bill, H. B. 694, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Holmes	Preuitt	
Barron	Dixon	Horn	Rice	
Bedford	Drinkard	Langford	Sanders	
Bedsale	Ellis	Manley	Smith (B)	
Bennett	Figures	Mitchem	Smith (J)	
Campbell	Foshee	Parsons	Windom	
Denton	Hale			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., H. B. 721, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Manley
Bailey	Dial	Hale	Mitchem
Barron	Dixon	Hand	Parsons
Bennett	Drinkard	Holmes	Rice
Cabaniss	Ellis	Horn	Sanders
Campbell	Figures	Langford	Windom
Corbett	Foshee		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 721. Relating to the City of Birmingham in Jefferson County; to amend Article V, Sections 1 and 2 and Article VI of Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended by Act No. 1272, H. 620, Regular Session 1973 (Acts 1973, p. 2124), and as previously and subsequently amended which created a retirement and relief system for officers and employees of the City of Birmingham, so as to provide further for participant and city contributions, and for cost of living increases to benefits being paid.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 721, to-wit:

SUBSTITUTE FOR H. B. 721

**A BILL
TO BE ENTITLED
AN ACT**

To amend Act No. 929, 1951, Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended which created a retirement and relief system for officers and employees of the City of Birmingham, so as to provide further for participant and city contributions, for benefit increases, and for related matters.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Article V. Section 1. of Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended, is hereby further amended to read in full as follows:

“Section 1. Participant’s Contributions.

(a) Until subsection (b), below, becomes effective, each Participant shall contribute to the cost of the System, and the City shall deduct from his salary, an amount equal to seven percent (7%) of his actual monthly salary and said deductions by the City shall immediately be paid into the Fund.

(b) Commencing with the first payroll period (October 10, 1975) which begins after the effective date of this subsection (b), and continuing thereafter,

each Participant shall contribute to the cost of the System, and the City shall deduct from his salary, an amount equal to six percent (6%) of his actual monthly salary and said deductions by the City shall immediately be paid into Fund.

(c) Should the City through error, inadvertence or otherwise, neglect to make proper deduction for the fund from the salary of any employee member for any payroll period, the employee member shall be liable to the fund for the amount or amounts that should have been deducted and shall pay said amount to the custodian on demand.

(d) Commencing with the first full payroll period after June 30, 1989, which full payroll period begins after the effective date of this subsection, each participant shall contribute to the cost of the System, and the City shall deduct from said participant's pay, an amount equal to seven percent (7%) of actual monthly pay, said amount to be immediately paid into the Fund.

(e) Notwithstanding this section, participants who are employees of the Jefferson County Department of Health shall continue to contribute only six percent (6%) of actual pay to the Fund."

Section 2. Article V., Section 2. of Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended, is hereby further amended to read in full as follows:

"Section 2. City's Contributions.

At the same time the deductions attributable to participants' contributions are paid into the Fund, the City will pay into the fund an equal amount."

"The Jefferson County Department of Health shall pay into the fund from its general or otherwise appropriate funds its Current Service Costs and its Past Service Costs to be determined as of the date of the commencement of each fiscal year of the City as follows:

"a. The actuaries shall determine the Normal Cost of the benefits provided by the System which are attributable to Health Department Participants.

"b. From the normal cost shall be subtracted the value of the Health Department Participants' contributions in the previous City Fiscal Year.

"c. The remainder thus arrived at shall be divided by the total covered payroll of all Health Department Participants as of the first day of the City Fiscal Year, the resultant percentage shall be called the 'Current Service Percentage' and the Current Service Percentage shall be multiplied by the total covered payroll of all Health Department Participants at the end of each Payroll Period to determine the Health Department's 'Current Service Cost' for the Payroll Period.

"d. The actuaries shall determine the single sum of unfunded Accrued Liability and shall amortize it from that date over a period of thirty (30) years, attributing a ratable portion to the Health Department Participants.

"e. This unfunded Accrued Liability, as amortized over thirty (30) years, shall be divided by total covered payroll of all Health Department Participants, the resultant percentage shall be called the 'Past Service Percentage' and the Past Service Percentage shall be multiplied by the total covered

payroll of all such Participants at the end of each Payroll Period to determine the 'Past Service Cost' for the Payroll Period."

Section 3. Article VI, of Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended, is hereby amended by adding thereto an additional section to read as follows:

"Section 23. Cost of Living Increases.

Upon approval of the governing body of the municipality primarily served by the System and upon approval of the Board of Managers, an increase in the amount of benefits, including improvements in the terms of benefits such as earlier vesting, and cost of living increases for past and future retirees, may be granted, subject to the terms and conditions stated herein. Such increases shall not apply to participants or retirees of the Jefferson County Department of Health.

Prior to approving an increase in the above described benefits, the Board shall obtain the actuarial evaluation of the fund. Such evaluation shall project the actuarial cost of benefits for the succeeding plan year and shall combine therewith the applicable payment required under the current and any future plan for amortizing unfunded Accrued Liability. This total amount shall be deducted from the total of participant's and city contributions. The remaining balance shall become the total available for benefit increases. Upon approval of the Board and the municipal governing body, this amount may be used to pay the cost, as determined by the Board's actuary, of benefit increases, improved vesting provisions, cost of living increases for past and future retirees, a reserve, and other benefits which may be adopted. Such benefit increases may be discontinued or reduced in the event participant and city contributions are not sufficient to pay all cost thereof. Such increases shall not apply to participants or retirees of the Jefferson County Department of Health.

Section 4. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Manley
Bailey	Dial	Hale	Mitchem
Barron	Dixon	Hand	Parsons
Bennett	Drinkard	Holmes	Rice
Cabaniss	Ellis	Horn	Sanders
Campbell	Figures	Langford	Windom
Corbett	Foshee		

—25

Nays:

—0

And said Bill, H. B. 721, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Manley	
Bailey	Dial	Hale	Mitchem	
Barron	Dixon	Hand	Parsons	
Bennett	Drinkard	Holmes	Rice	
Cabaniss	Ellis	Horn	Sanders	
Campbell	Figures	Langford	Windom	
Corbett	Foshee			—25

Nays: —0

RESOLUTION

Senators Langford and Corbett offered the following Senate Joint Resolution, to-wit:

S. J. R. 149. MOURNING THE UNTIMELY DEATH OF MRS. MARY HOWARD.

WHEREAS, in sentiment of great sorrow, the Legislature of Alabama records the lamentable death of Mary Colbert Howard on April 9, 1989, at the early age of just 51 years; and

WHEREAS, born December 8, 1937, in Orlando, Florida, Mrs. Howard was the second child of the late Mr. and Mrs. Carey Colbert; she was educated in the public schools of Russell County, Alabama, graduated from Alabama State University with the B.S. degree, and earned the Ma.Ed. degree from Troy State University; and

WHEREAS, Mrs. Howard, a distinguished educator, was employed by the Russell County Board of Education as an administrator and classroom teacher until her activities were limited by failing health; and

WHEREAS, in service to profession and community, Mrs. Howard was a member of Epsilon Eta Zeta Chapter of Zeta Phi Beta Sorority; charter member of the Columbus, Georgia, Chapter of Top Ladies of Distinction; charter member and first president of the Charmetter Social and Civic Club; and active member and past president of Columbus, Georgia, Phenix City-Russell County Alumni Chapter of Alabama State University; a member of the Battle and Battle Funeral Home Staff; and the recipient of numerous awards and accolades; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn her death, we give thanks for the life and labor of Mary Colbert Howard, and do further direct that a copy of this resolution be forwarded to her loving husband, Mr. Wilson Howard; the beloved son of their union in holy matrimony, Vincent A. Howard; to her brother, Carey Williams; and to other family members that they all may know of our concern for them, and that we sincerely share the sorrow of their great and grievous loss.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. McMillan and Penry (With Notice and Proof):

H. 845. Relating to Baldwin County; to amend Act No. 609, H. 1167 of the 1900-1901 Legislature of Alabama levying a special tax within constitutional limits to sustain them to provide for the support of the public schools of Baldwin County, so as to add a new section 10 which partially suspends the tax so long as a certain sales tax, levied by ordinance, is effective.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 845, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 845—to the Committee on Local Legislation No. 1

BUDGET ISOLATION RESOLUTION

Senator Bennett requested and received permission to suspend the Rules in order to bring up the following Bill.

Senator Bennett, B. I. R., S. B. 518, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Horn	
Bailey	Campbell	Ellis	Manley	
Bedford	deGraffenried	Foshee	Smith (B)	
Bedsole	Denton	Goodwin	Windom	
Bennett	Dixon	Hale		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 518. Relating to the Tenth Judicial Circuit, Jefferson County, Alabama, and the official court reporter; further amending the title and Sections 4 and 5 of Act No. 52, H. 18 of the Second Special Session, 1955 (Acts of 1955, p. 161), and as amended by Act No. 209, H. 698 of the Regular Session, 1955 (Acts of 1955, p. 514), providing for the said court reporters and the

county compensation payable from county funds, so as to further provide therefor.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Manley	
Bailey	Denton	Goodwin	Rice	
Bedsole	Dixon	Hale	Sanders	
Bennett	Drinkard	Holmes	Smith (B)	
Cabaniss	Ellis	Horn	Smith (J)	
Campbell				—20

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 506. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Russell County so as to authorize the county commission to increase certain court costs; to provide that all such fees shall be applied for the construction or financing of a new county jail; and to provide for the terminating of such fees.

Also:

S. 569. Relating to Chambers County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 494. Relating to the City of Mobile, to amend Act No. 651, H. 377, 1975 Regular Session, as amended, which provides for a retirement system for elected officials, so as to provide further for eligibility of benefits.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 577. Relating to Cherokee County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and

county controlled highways except for those signs or markers placed by or under the authority of the state or county.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Beasley, and Mathis (With Notice and Proof):

H. 833. To provide for the levy and collection of special county privilege and license taxes in Houston County paralleling the state sales tax provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes in Houston County paralleling the state use tax provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the period of time during which and the rates at which such taxes shall be levied; to provide for the distribution of the proceeds of such taxes; and to provide for the enforcement of this act by the State Department of Revenue.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 833, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Williams and Flowers (With Notice and Proof):

H. 835. Relating to Dale County; abolishing the office of constable; and providing an effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 835, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 833 and 835—to the Committee on Local Legislation No. 1

RESOLUTIONS

Senator Bedford offered the following Senate Resolutions, to-wit:

S. R. 150. COMMENDING MRS. GWEN STEWART SANDERS, OF FAYETTE COUNTY, ALABAMA.

Also:

S. R. 151. COMMENDING ODESSA WALLACE OF SULLIGENT,
ALABAMA.

Also:

S. R. 152. CONGRATULATING THE HUBBERTVILLE LADY
LIONS ON THE STATE 1A BASKETBALL CHAMPIONSHIP.

Also:

S. R. 153. COMMENDING CAROLINE STRAWBRIDGE FOR OUT-
STANDING ACHIEVEMENT.

Which were filed.

BUDGET ISOLATION RESOLUTIONSenator Sanders requested and received permission to suspend the Rules
in order to bring up the following Bill.

Senator Sanders, B. I. R., S. B. 273, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Rice	
Bailey	deGraffenried	Hale	Sanders	
Barron	Dial	Horn	Smith (B)	
Bedford	Drinkard	Manley	Smith (J)	
Bennett	Ellis	Mitchem	Windom	
Cabaniss	Figures			—21

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**S. 273. To increase the number of trustees on the Board of Trustees
of Selma University and provide for their appointment.was read a third time at length and passed, and ordered sent forthwith to
the House.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Mitchem	
Barron	deGraffenried	Figures	Rice	
Bedford	Denton	Foshee	Sanders	
Bennett	Dial	Horn	Smith (B)	
Cabaniss	Dixon	Manley	Windom	
Campbell				—20

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Mitchem, B. I. R., H. B. 814, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Horn
Barron	Denton	Goodwin	Langford
Bedford	Dial	Hale	Mitchem
Bedsole	Dixon	Hand	Rice
Bennett	Drinkard	Hilliard	Sanders
Cabaniss	Ellis	Holmes	Windom
Campbell	Figures		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 814. Relating to the Blount County merit system; amending Section 4 of Act No. 648, H. 1128 of the Regular Session 1978 (Acts 1978, p. 916), relating to eligible persons for membership, so as to exclude the chief clerks of each elected office from the exception and include as eligible for membership.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Horn
Barron	Denton	Goodwin	Langford
Bedford	Dial	Hale	Mitchem
Bedsole	Dixon	Hand	Rice
Bennett	Drinkard	Hilliard	Sanders
Cabaniss	Ellis	Holmes	Windom
Campbell	Figures		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Cabaniss, B. I. R., S. B. 326, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley
Bailey	Campbell	Foshee	Mitchem
Barron	deGraffenried	Hale	Rice
Bedford	Denton	Hand	Sanders
Bedsole	Dial	Holmes	Smith (B)
Bennett	Dixon	Langford	Windom

—23

Nays:

Senators:	Corbett	Parsons
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—2

BILLS ON THIRD READING RESUMED

THE BILL:

S. 326. To create the Alabama Workmen's Compensation Self-Insurers Guaranty Association; to provide for its membership and the management

of the affairs of the Board of Directors of the Association; to provide that it may assess its members to fund an insolvency fund; and to provide that the Department of Industrial Relations shall regulate the Association.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 28; Nays 1.

Yeas:

Senators:	Covington	Foshee	Mitchem	
Bailey	deGraffenried	Goodwin	Parsons	
Barron	Denton	Hale	Rice	
Bedford	Dial	Hand	Sanders	
Bedsole	Dixon	Holmes	Smith (B)	
Bennett	Drinkard	Langford	Smith (J)	
Cabaniss	Ellis	Manley	Windom	
Campbell				—28

Nay: Senator Corbett —1

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., S. B. 312, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 312. To impose an additional penalty for the sale of illegal drugs within three miles of a public housing project.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Rice	
Bailey	Campbell	Drinkard	Sanders	
Barron	Corbett	Ellis	Smith (B)	
Bedford	deGraffenried	Hale	Smith (J)	
Bedsole	Denton	Manley	Windom	
Bennett	Dial	Mitchem		—22

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., S. B. 311, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 311. To amend section 13A-12-250, Code of Alabama 1975, which imposes an additional penalty for the sale of illegal drugs on or near a school campus, so as to provide for an additional penalty for a sale within three miles of a school campus.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Rice	
Bailey	Campbell	Drinkard	Sanders	
Barron	Corbett	Ellis	Smith (B)	
Bedford	deGraffenried	Hale	Smith (J)	
Bedsole	Denton	Manley	Windom	
Bennett	Dial	Mitchem		—22

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 419, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:

Corbett

Parson

—2

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 419. To amend Section 12-17-61, Code of Alabama 1975, which provides for the number of district court judges, so as to provide three district court judges for Madison County; to provide for the time of establishment of such judgeship No. 3; and to provide for the election of such additional district judge.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 419, to-wit:

AMENDMENT TO S. B. 419

Amend S. B. 419, Page 2, Line 17, as follows: by deleting the numbers "1988" and by substituting in lieu thereof the numbers "1990", and by deleting the numbers "1989" and by inserting in lieu thereof "1991" on Line 19.

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*Senators:
Bailey
Barron
Bedford
Bedsole
BennettCabaniss
Campbell
Corbett
deGraffenried
Denton
DialDixon
Drinkard
Ellis
Hale
Manley
MitchemRice
Sanders
Smith (B)
Smith (J)
Windom

—22

Nays:

—0

And said Bill, S. B. 419, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22; Nays 0.

*Yeas:*Senators:
Bailey
Barron
Bedford
Bedsole
BennettCabaniss
Campbell
Corbett
deGraffenried
Denton
DialDixon
Drinkard
Ellis
Hale
Manley
MitchemRice
Sanders
Smith (B)
Smith (J)
Windom

—22

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 297, adopted.

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Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 297. To amend Section 9-11-246, Code of Alabama 1975, as last amended, relating to the penalties for the violation of Sections 9-11-244 and 9-11-245, Code of Alabama 1975, so as to increase and further provide for the penalties for violating Section 9-11-244 with respect to deer or turkey.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Rice	
Bailey	Campbell	Drinkard	Sanders	
Barron	Corbett	Ellis	Smith (B)	
Bedford	deGraffenried	Hale	Smith (J)	
Bedsole	Denton	Manley	Windom	
Bennett	Dial	Mitchem		—22

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B. I. R., S. B. 304, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 304. To provide for cost-of-living increases in the retirement benefits of retired employees of certain public hospitals and related facilities; to

provide that the granting of such increases shall be at the option of the county commission of the county in which such hospital or facility existed and the cost thereof shall be paid by such county.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Rice	
Bailey	Campbell	Drinkard	Sanders	
Barron	Corbett	Ellis	Smith (B)	
Bedford	deGraffenried	Hale	Smith (J)	
Bedsale	Denton	Manley	Windom	
Bennett	Dial	Mitchem		—22

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 469, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsale	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 469. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

was read a third time at length and passed, and ordered sent forthwith to the House.

REGULAR SESSION
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1399

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Rice
Bailey	Campbell	Drinkard	Sanders
Barron	Corbett	Ellis	Smith (B)
Bedford	deGraffenried	Hale	Smith (J)
Bedsole	Denton	Manley	Windom
Bennett	Dial	Mitchem	

—22

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B. I. R., S. B. 208, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley
Bailey	Campbell	Foshee	Mitchem
Barron	deGraffenried	Hale	Rice
Bedford	Denton	Hand	Sanders
Bedsole	Dial	Holmes	Smith (B)
Bennett	Dixon	Langford	Windom

—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 208. To establish the Alabama War on Drugs Dividend Program; to further provide for incentives in the apprehension, arrest and conviction of drug sellers and distributors; to reward certain persons who furnish certain information leading to the arrest and conviction of such guilty persons, as well as certain investigative officers and prosecuting attorneys; to establish the Alabama War on Drugs Commission and provide for its powers and duties and composition; to provide that the provisions are cumulative; and to make an appropriation to implement the program.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 208, to-wit:

SUBSTITUTE FOR S. B. 208

**A BILL
TO BE ENTITLED
AN ACT**

To establish the Alabama War on Drugs Dividend Program; to further provide for incentives in the apprehension, arrest and conviction of drug sellers and distributors; to reward certain persons who furnish certain information leading to the arrest and conviction of such guilty persons; to establish the Alabama War on Drugs Commission and provide for its powers

and duties and composition; to provide that the provisions are cumulative; and to make an appropriation to implement the program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act may be cited as the Alabama War on Drugs Dividend Program.

Section 2. In addition to the public monetary rewards provided by Title 15, Chapter 9, Code of Alabama 1975, as amended, any person who provides information to law enforcement officers leading to the arrest and conviction of a guilty person for a crime involving the sale and distribution of drugs shall be eligible to enter the Alabama War on Drugs Dividend Program. Such participation shall be fully voluntary.

Section 3. (a) When the person providing the information which, in the determination of the district attorney, leads to the arrest and conviction of the guilty person involved in the sale and distribution of drugs, is apprised of the program, the district attorney shall note the person's decision to enter or not enter the program.

(b) The district attorney shall obtain, fill out and verify a form furnished by the Alabama War on Drugs Commission, hereinafter referred to as "Commission." Such form shall include the names of the informant. The district attorney and the sheriff shall sign the forms. Such forms shall be verified, dated, and mailed to the commission in a confidential envelope. All forms shall be classified as privileged and shall not be open for inspection except by the three principals, members of the commission and the Governor.

Section 4. Eighteen months after the effective date of this act, the Governor shall obtain all the names of the participants and shall hold a drawing for the dividends. Each recipient's share shall be as follows if their card is drawn:

\$75,000 to the person whose information or evidence led to the arrest and conviction of the illegal sale or distribution of drugs. No law enforcement officer shall be eligible. The drawing shall be held annually thereafter.

Section 5. There is hereby appropriated from the general fund for the current fiscal year, from funds appropriated to the use or discretion of the Governor, from any source whatsoever, the sum of \$80,000.00. In addition to the allocations provided by Section 4 of this act, there is hereby allocated \$5,000.00, or any part thereof, for promotion of the program by the commission and other costs of implementing this act.

Section 6. There is hereby established the Alabama War on Drugs Commission which shall administer and coordinate the implementation of this act. The members of the commission shall be composed of the governor or his designee, the chief justice or his designee, the attorney general, the executive director of the Office of Prosecuting Services and the executive director of the Alabama Sheriff's Association. The commission shall keep its records confidential as to identities of informants and families. It shall verify that all entrants are eligible and meet the requirements of law. It shall meet at least once per year and shall set its own rules of procedure for the conduct of its business and shall elect its own officers from among its membership. The attorney general shall provide space, administrative and clerical assistance as the commission determines is needed.

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Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. The provisions of this act shall be construed in pari materia with any and all laws or parts of laws which relate to rewards or cash paid to persons assisting in the apprehension, arrest and conviction of illegal drug dealers and distributors and shall, in case of a direct conflict, be construed to supersede all such conflicting provisions.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Rice	
Bailey	Campbell	Drinkard	Sanders	
Barron	Corbett	Ellis	Smith (B)	
Bedford	deGraffenried	Hale	Smith (J)	
Bedsole	Denton	Manley	Windom	
Bennett	Dial	Mitchem		—22

Nays: —0

On motion of Senator Parsons, the Rules were suspended and further consideration of the Bill, S. B. 208, as amended by the substitute, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Parsons, B. I. R., S. B. 368, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 368. To require disclosure of the use and identification of nonoriginal equipment manufacturer after market crash parts.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 2; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Rice	
Bailey	Campbell	Drinkard	Sanders	
Barron	Corbett	Ellis	Smith (B)	
Bedford	deGraffenried	Hale	Smith (J)	
Bedsole	Denton	Manley	Windom	
Bennett	Dial	Mitchem		—22

Nays —0**BUDGET ISOLATION RESOLUTION**

Senator Bedsole, B. I. R., H. B. 403, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED**THE BILL:**

H. 403. To amend section 16-33A-3, Code of Alabama 1975, relating to the Alabama Student Grant Program, so as to provide further for the amount granted to each eligible student per academic year.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Rice	
Bailey	Campbell	Drinkard	Sanders	
Barron	Corbett	Ellis	Smith (B)	
Bedford	deGraffenried	Hale	Smith (J)	
Bedsole	Denton	Manley	Windom	
Bennett	Dial	Mitchem		—22

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Dixon, B. I. R., S. B. 365, adopted.

REGULAR SESSION
20th Day

1403

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley
Bailey	Campbell	Foshee	Mitchem
Barron	deGraffenried	Hale	Rice
Bedford	Denton	Hand	Sanders
Bedsole	Dial	Holmes	Smith (B)
Bennett	Dixon	Langford	Windom

—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 365. To provide that full-time employees and executive officers of the Alabama state employees' association, the Alabama retired state employees' association and the state employees' credit union may elect to become members of the teachers' retirement system of Alabama; to provide that said entities and their employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state, and to provide for purchase of certain previous service credit in such system.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Rice
Bailey	Campbell	Drinkard	Sanders
Barron	Corbett	Ellis	Smith (B)
Bedford	deGraffenried	Hale	Smith (J)
Bedsole	Denton	Manley	Windom
Bennett	Dial	Mitchem	

—22

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 296, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley
Bailey	Campbell	Foshee	Mitchem
Barron	deGraffenried	Hale	Rice
Bedford	Denton	Hand	Sanders
Bedsole	Dial	Holmes	Smith (B)
Bennett	Dixon	Langford	Windom

—23

Nays:

Senators:

Corbett

Parsons

—2

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 296. Proposing an amendment to the Constitution of Alabama of 1901, relating to authorizing the creation of county water authorities by a general or a local act of the Legislature.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 296, to-wit:

AMENDMENT TO S. B. 296

Amend S. B. No. 296, Page 1, Line 30, as follows:

After the word "commission" delete the words "upon its election by a majority of members"

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:
Bailey
Barron
Bedford
Bedsole
Bennett

Cabaniss
Campbell
Corbett
deGraffenried
Denton
Dial

Dixon
Drinkard
Ellis
Hale
Manley
Mitchem

Rice
Sanders
Smith (B)
Smith (J)
Windom

—22

Nays:

—0

And said Bill, S. B. 296, as thus amended, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:
Bailey
Barron
Bedford
Bedsole
Bennett

Cabaniss
Campbell
Corbett
deGraffenried
Denton
Dial

Dixon
Drinkard
Ellis
Hale
Manley
Mitchem

Rice
Sanders
Smith (B)
Smith (J)
Windom

—22

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., S. B. 409, adopted.

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1405

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 409. To create the Alabama Prepaid College Tuition Trust Fund (the Fund) and a board of trustees (the board) to administer the fund and implement the provisions of this act; to declare legislative intent; to name this act the "Alabama Prepaid College Tuition Act"; to provide definitions; to provide for the membership, terms of office, qualifications, reimbursement, meetings, powers, duties and responsibilities of the board of trustees of the trust fund; to grant broad powers necessary to implement this act; to authorize investments by the board; to provide for the location and administration of the trust fund; to authorize prepaid college tuition contracts between the board and individuals for the benefit of qualified beneficiaries in order to receive college or university education; to provide for the terms of such contracts and the rights of parties to such contracts; to provide for payroll deductions for such contracts; and to provide for certain specific requirements of the board.

was taken up.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, S. B. 409, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 7, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 7. To provide that any person who kills a dog used by a peace officer within the line and scope of said officer's duties shall be guilty of a felony offense.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Preuitt
Amari	Campbell	Drinkard	Rice
Bailey	Corbett	Ellis	Sanders
Barron	deGraffenried	Hale	Smith (B)
Bedford	Denton	Manley	Smith (J)
Bedsole	Dial	Mitchem	Windom
Bennett			

—24

Nays:

—0

RESOLUTION

Senators Bishop, Corbett, Bedford, Figures, Horn, Langford, Parsons, Hale, Bailey, deGraffenried, Bennett, Amari, and Drinkard offered the following Senate Joint Resolution, to-wit:

S. J. R. 154. DESIGNATING "WORKERS MEMORIAL DAY" IN ALABAMA.

WHEREAS, every year more than 10,000 American workers are killed while working on the job—one every 40 minutes—and tens of thousands more are permanently disabled from job related injuries; and

WHEREAS, another 100,000 workers die annually from cancer, lung diseases and other diseases related to toxic chemical exposure in the workplace; and

WHEREAS, among many of the more recent tragedies are the January 1986 explosion of the Challenger spacecraft, resulting in the death of all seven American astronauts aboard, and the April 1987 collapse of a thirteen story building in Bridgeport, Connecticut in which 28 construction workers were killed; and

WHEREAS, in April 1988, rapid decompression peeled the ceiling of a commercial airline, sweeping a flight attendant to her death; in November 1988, three workers were killed on a Milwaukee tunnel project due to a methane gas explosion; also in November 1988, six firefighters were killed in an explosion at a Kansas City construction site; and

WHEREAS, the Concerned Americans are determined to help prevent such tragedies as these by organizing a Workers Memorial Day to remember the victims of workplace injuries and disease, and to thereby focus public awareness on the thousands of needless and preventable deaths occurring each year in our country; and

WHEREAS, Concerned Americans also are renewing efforts to seek stronger safety and health prevention measures for our workers, better standards, and fair and just compensation for job related death, disease and injury; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate April 28,

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1989, the anniversary of the Occupational Safety and Health Act of 1970, as "Workers Memorial Day" in the State of Alabama.

On motion of Senator Bishop, further consideration of the Resolution, S. J. R. 154, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., S. B. 429, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 429. To create the Fortieth Judicial Circuit and provide for the circuit judgeship and district attorney thereof; to redesignate the Circuit Judgeships in the Eighteenth Judicial Circuit after one judgeship for the Eighteenth Circuit is transferred and redesignated as the judgeship for the Fortieth Judicial Circuit; to create an additional judgeship for the Eighteenth Judicial Circuit to take effect in the future; to create an additional district judgeship to serve Shelby County; to amend Sections 12-11-2, 12-17-20 and 12-17-61, Code of Alabama 1975, relating to the composition of judicial circuits and the number of circuit and district judges; and to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Pruitt	
Amari	Campbell	Drinkard	Rice	
Bailey	Corbett	Ellis	Sanders	
Barron	deGraffenried	Hale	Smith (B)	
Bedford	Denton	Manley	Smith (J)	
Bedsole	Dial	Mitchem	Windom	
Bennett				—24

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 106, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons		—2
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BILLS ON THIRD READING RESUMED**THE BILL:**

S. 106. To provide for the lawful operation of certain coin-operated playing card game vending machines that reward competent play with free games on such machines and to levy and impose a certain privilege tax on certain persons, firms, corporations, associations and copartnerships operating such card game vending machines.

was read a third time at length and lost.

Yeas 6; Nays 11.

Yeas:

Senators:	Bennett	Dixon	Langford	
Barron	Corbett	Figures		—6

Nays:

Senators:	Bedsole	Hale	Rice	
Bailey	Cabaniss	Hand	Smith (B)	
Bedford	deGraffenried	Manley	Windom	—11

On motion of Senator Bailey, the Senate reconsidered the vote by which the Bill, S. B. 106, was lost.

And on motion of Senator Bailey, further consideration of the Bill, S. B. 106, was postponed until the Twenty-First Legislative Day.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 348, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

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Nays:

Senators: Corbett Parsons

—2

BILLS ON THIRD READING RESUMED

THE BILL:

S. 348. To amend sections 6-6-332 and 35-9-82, Code of Alabama 1975, relating to service of process, so as to provide further for procedures for service of process.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 348, to-wit:

AMENDMENT TO S. B. 348

Amend S. B. 348, Page 2, Line 17,

By adding after "on the same day" inserting the words or by the close of the next business day.

And further on page 2, line 18:

By adding after the word "by" "the sheriff, the clerk, or the sheriff's office, the person filing the complaint or anyone on behalf of any such person, by"

On Page 3, line 3:

By adding after: "on the same day" inserting the words or by the close after next business day.

On Page 3, line 4:

At the end of line 4 after the word "by", by adding: "the sheriff, the clerk, or the sheriff's office, the person filing the complaint or anyone on behalf of any such person, by"

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Preuitt
Amari	Campbell	Drinkard	Rice
Bailey	Corbett	Ellis	Sanders
Barron	deGraffenried	Hale	Smith (B)
Bedford	Denton	Manley	Smith (J)
Bedsole	Dial	Mitchem	Windom
Bennett			

—24

Nays:

—0

And said Bill, S. B. 348, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Preuitt
Amari	Campbell	Drinkard	Rice
Bailey	Corbett	Ellis	Sanders
Barron	deGraffenried	Hale	Smith (B)
Bedford	Denton	Manley	Smith (J)
Bedsole	Dial	Mitchem	Windom
Bennett			

—24

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Amari, B. I. R., S. B. 532, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley
Bailey	Campbell	Foshee	Mitchem
Barron	deGraffenried	Hale	Rice
Bedford	Denton	Hand	Sanders
Bedsole	Dial	Holmes	Smith (B)
Bennett	Dixon	Langford	Windom

—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED**THE BILL:**

S. 532. To amend Section 39-1-1, Code of Alabama 1975, requiring bonds for persons, firms or corporations contracting with the state or political subdivisions thereof for repair or construction of public buildings, works, highways or bridges, by adding at the end of subsection (a) of the existing section a provision adding public corporations and authorities as political subdivisions covered by the section, but providing for the exemption, from the requirements of the section, of any real or personal property leased to a private entity and owned by a private entity for Alabama or federal income tax purposes.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Preuitt
Amari	Campbell	Drinkard	Rice
Bailey	Corbett	Ellis	Sanders
Barron	deGraffenried	Hale	Smith (B)
Bedford	Denton	Manley	Smith (J)
Bedsole	Dial	Mitchem	Windom
Bennett			

—24

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., S. B. 257, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 257. To amend Code of Alabama 1975, §22-22-14, as amended, to increase criminal penalties that presently exist therein.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 257, to-wit:

SUBSTITUTE FOR S. B. 257

**A BILL
TO BE ENTITLED
AN ACT**

To amend Code of Alabama 1975, §22-22-14 as amended to increase criminal penalties that presently exist therein.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Code of Alabama 1975, §22-22-14, as amended is hereby amended to read as follows:

“§22-22-14(a) Any person who willfully or with gross negligence violates any provision of the chapter, or rule, regulation or standard adopted under this chapter, or any condition or limitation in a permit issued under this chapter shall, upon conviction, be punished by a fine of not less than ~~\$2,500.00~~ \$5,000.00 nor more than ~~\$25,000.00~~ \$50,000.00 per day of violation or by imprisonment for not ~~more than one year~~ less than one year and one day nor more than three years, or by both. If the conviction is for a violation committed after a first conviction of such person under this subsection punishment shall be a fine of not less than \$5,000.00 nor more than ~~\$50,000.00~~ \$100,000.00 per day of violation or by imprisonment for not less than one year and one day nor more than ~~two years~~ six years, or by both.

(b) Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed, or required to be maintained, under this chapter or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or

method required to be maintained under this chapter shall, upon conviction, be punished by a fine of not more than \$10,000.00 or by imprisonment for not more than ~~six months~~, two years nor less than one year and one day, or by both. If the conviction is for a violation committed after a first conviction of such person under this subsection, punishment shall be a fine of not more than \$20,000 or by imprisonment for not more than four years nor less than two years, or by both."

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 13; Nays 2.

Yeas:

Senators:	Bennett	Denton	Mitchem	
Bailey	Cabaniss	Ellis	Preuitt	
Barron	Campbell	Hale	Smith (B)	
Bedford	Corbett			—13

Nays:

Senators:	deGraffenried	Hilliard		—2
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The President and Presiding Officer declared a quorum present but not voting.

On motion of Senator Bennett, the Rules were suspended and further consideration of the Bill, S. B. 257, as amended by the substitute, was postponed subject to the call of the Chair.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 506. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Russell County so as to authorize the county commission to increase certain court costs; to provide that all such fees shall be applied for the construction or financing of a new county jail; and to provide for the terminating of such fees.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing

Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 494. Relating to the City of Mobile, to amend Act No. 651, H. 377, 1975 Regular Session, as amended, which provides for a retirement system for elected officials, so as to provide further for eligibility of benefits.

Also:

S. 569. Relating to Chambers County; to prohibit the placing of signs, markers and advertising pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

Also:

S. 577. Relating to Cherokee County; to prohibit the placing of signs, markers, and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 419. To amend Section 12-17-61, Code of Alabama 1975, which provides for the number of district court judges, so as to provide three district court judges for Madison County; to provide for the time of establishment of such judgeship No. 3; and to provide for the election of such additional district judge.

BILL DRINKARD,
Chairperson.

FURTHER CONSIDERATION OF S. B. 61

The Senate proceeded to further consideration of the Bill, S. B. 61.

S. 61. To establish an Alabama Uniform Fraudulent Transfer Act and provide: definitions; provisions for debtor insolvency; to clarify the meaning of value; determination as to transfers fraudulent as to present and future creditors; determination as to when the transfer is made; remedies of creditors; provisions for defenses, liability and protection of the transferee; and how a claim for relief is extinguished. This bill applies only to transfers made or obligations incurred after the effective date of this Act and further repeals Alabama Code sections 8-9-6, 8-9-7, and 8-9-9 (1975) as amended. The act will become effective January 1, 1990.

And said Bill, S. B. 61, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Preuitt	
Amari	Campbell	Drinkard	Rice	
Bailey	Corbett	Ellis	Sanders	
Barron	deGraffenried	Hale	Smith (B)	
Bedford	Denton	Manley	Smith (J)	
Bedsole	Dial	Mitchem	Windom	
Bennett				—24

Nays: —0

BILL RECONSIDERED

On motion of Senator Cabaniss, the Senate reconsidered the vote by which the Bill, S. B. 481, as amended, was passed.

And on motion of Senator Cabaniss, further consideration of the Bill, S. B. 481, as amended, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., H. B. 391, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators: Corbett Parsons —2

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 391. To amend section 25-4-51; section 25-4-52; section 25-4-53; section 25-4-54, as amended by Act No. 88-783, H. 163, 1988 First Special

Session; section 25-4-72, as amended by Act No. 88-784, H. 188, 1988 First Special Session; section 25-4-7, as amended by Act No. 88-784, H. 188, 1988 First Special Session; section 25-4-78; and section 25-4-91 of the Alabama Unemployment Compensation Act, Code of Alabama 1975, so as to provide the technical provisions necessary to change the state's Unemployment Compensation Experience Rating system from that known as the "Benefit Wage" formula (under which an employer's rate of contribution is determined upon the ratio of benefits wages upon which benefits are computed is to the employer's total taxable payroll) to the "Benefit Ratio" (under which the rate is based upon the ratio of actual benefits paid to an employer's former workers is to his total taxable payroll) effective with rate determinations for tax rate year 1991; to provide for four rate schedules, rather than a single schedule, based upon the condition of the trust fund balance in relation to the desired level of the fund and established the criteria for each rate under the formula; to set new minimum, maximum and intermediate rates for each schedule; to prescribe procedures for the implementation of, and transition to, the new system; to provide a revised formula for determining the desired level of the trust fund and set the appropriate rate schedule for the next following rate year based on the fund balance in relation to the desired level; to define shared costs and provide for the identification and for the accumulation of appropriate data and for the formula under which assessments to recover shared costs will be distributed; to repeal the special formula for determining contribution rates for maritime employers; to delete the provision suspending the experience rating account of an employing unit whose owner or primary officer(s) enter military duty until the return of such person(s); to increase the maximum weekly unemployment benefit to \$150.00 effective for weeks of unemployment within benefit years beginning on or after January 7, 1990; and to remove language obsolete by these amendments.

was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Preuitt	
Amari	Campbell	Drinkard	Rice	
Bailey	Corbett	Ellis	Sanders	
Barron	deGraffenried	Hale	Smith (B)	
Bedford	Denton	Manley	Smith (J)	
Bedsle	Dial	Mitchem	Windom	
Bennett				—24

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedsle, B. I. R., S. B. 281, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsle	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:

Corbett

Parsons

—2

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 281. Relating to the operation of motor vehicles and the rules of highway and traffic safety; to amend Sections 32-5-76 and 32-5A-60 of the Code of Alabama 1975, relating to rules of the road so as to further prohibit the spilling, depositing or throwing of foreign materials or litter from a motor vehicle onto a highway, road, street or public right-of-way; to provide for the use of the uniform traffic citation in certain instances for violations; and to provide further for penalties for violations.

was taken up.

The Standing Committee on Judiciary reported the following amendment No. 1 to the Bill, S. B. 281, to-wit:

AMENDMENT NO. 1 TO S. B. 281

Amend S. B. 281, Page 2, Line 28, as follows:

By adding after "highway" the following: "road or street"

Further amend Page 3, Line 6 by adding after the word "highway" the following: "road or street"

Further amend Page 2, Line 9 by adding before the word "misdemeanor" the words "Class C"

Further amend Page 3, between Lines 9 and 10 by adding the following:

"(f) "Litter" as used in this section is the same as defined in Alabama Code § 13A-7-29."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Senators:
Amari
Bailey
Barron
Bedford
Bedsole
Bennett

Cabaniss
Campbell
Corbett
deGraffenried
Denton
Dial

Dixon
Drinkard
Ellis
Hale
Manley
Mitchem

Preuitt
Rice
Sanders
Smith (B)
Smith (J)
Windom

—24

Nays:

—0

The Standing Committee on Judiciary then reported the following amendment No. 2 to the Bill, S. B. 281, as amended, to-wit:

AMENDMENT NO. 2 TO S. B. 281, AS AMENDED

Amend S. B. No. 281, as amended, Page 2, Lines 4 and 5 as follows:

Strike "sawdust, chips, wood products or other like substances,".

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Which was adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Preuitt	
Amari	Campbell	Drinkard	Rice	
Bailey	Corbett	Ellis	Sanders	
Barron	deGraffenried	Hale	Smith (B)	
Bedford	Denton	Manley	Smith (J)	
Bedsole	Dial	Mitchem	Windom	
Bennett				—24

Nays: —0

And said Bill, S. B. 281, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Preuitt	
Amari	Campbell	Drinkard	Rice	
Bailey	Corbett	Ellis	Sanders	
Barron	deGraffenried	Hale	Smith (B)	
Bedford	Denton	Manley	Smith (J)	
Bedsole	Dial	Mitchem	Windom	
Bennett				—24

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Smith (B), B. I. R., S. B. 527, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 527. To amend the Securities Act of Alabama, Section 8-6-11 of the Code of Alabama 1975, relating to the regulation of the sale, selling, offering, offering to sell and registration of securities so as to provide further for the exemption of certain transactions from the provisions of the Securities Act of Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Preuitt	
Amari	Campbell	Drinkard	Rice	
Bailey	Corbett	Ellis	Sanders	
Barron	deGraffenried	Hale	Smith (B)	
Bedford	Denton	Manley	Smith (J)	
Bedsole	Dial	Mitchem	Windom	
Bennett				—24

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Smith (B), B. I. R., S. B. 120, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 120. To amend sections 4-3-45, 4-3-47 and 4-2-9, Code of Alabama 1975, which relate to airport authorities and airport safety; so as to: provide that the governor appoints members of an airport authority board of directors if the state is the sole or primary authorizing agency; to provide further for the powers of airport authorities under section 4-3-47; to authorize airport authorities created pursuant to other legislative acts to adopt powers enumerated in section 4-3-47; and to prohibit hunting or discharge of firearms on or near any airport facility or aircraft.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Preuitt	
Amari	Campbell	Drinkard	Rice	
Bailey	Corbett	Ellis	Sanders	
Barron	deGraffenried	Hale	Smith (B)	
Bedford	Denton	Manley	Smith (J)	
Bedsole	Dial	Mitchem	Windom	
Bennett				—24

Nays: —0

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BUDGET ISOLATION RESOLUTION

Senator Smith (B), B. I. R., S. B. 121, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 121. Relating to aviation and airport zoning in Alabama; to amend Sections 4-6-1, 4-6-2, 4-6-3, 4-6-4, 4-6-5, 4-6-6, 4-6-7 and 4-6-8, Code of Alabama 1975, so as to: expand the short title, the definitions and statements of declared public purpose to include compatible land use regulations as a function of airport zoning in Alabama; to provide further for the adoption of hazard and compatible land use standards and ordinances by counties and municipalities, and for the enforcement of such ordinances; to provide further for the procedures by which counties and municipalities adopt zoning regulations; to redefine reasonableness of standards for adoption of regulations; and to provide further for variances to limit liabilities to persons receiving variances.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Preuitt	
Amari	Campbell	Drinkard	Rice	
Bailey	Corbett	Ellis	Sanders	
Barron	deGraffenried	Hale	Smith (B)	
Bedford	Denton	Manley	Smith (J)	
Bedsole	Dial	Mitchem	Windom	
Bennett				—24

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Smith (B), B. I. R., H. B. 474, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:

Corbett

Parsons

—2

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 474. To amend Sections 40-2-12, 40-2-13 and 40-12-14 of the Code of Alabama 1975, so as to allow the department of revenue to store data on electronic media and computer output microfilm and, after validation of accuracy, to destroy the original documents; to allow data stored electronically to be admitted in evidence in all courts.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, H. B. 474, to-wit:

AMENDMENT TO H. B. 474

Amend House Bill No. 474 Page 2 Line 1 as follows: delete the words "electronic reproduction" and insert in lieu thereof the words "electronically recorded data."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Senators:

Cabaniss

Dixon

Preuitt

Amari

Campbell

Drinkard

Rice

Bailey

Corbett

Ellis

Sanders

Barron

deGraffenried

Hale

Smith (B)

Bedford

Denton

Manley

Smith (J)

Bedsole

Dial

Mitchem

Windom

Bennett

—24

Nays:

—0

And said Bill, H. B. 474, as thus amended, was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Senators:

Cabaniss

Dixon

Preuitt

Amari

Campbell

Drinkard

Rice

Bailey

Corbett

Ellis

Sanders

Barron

deGraffenried

Hale

Smith (B)

Bedford

Denton

Manley

Smith (J)

Bedsole

Dial

Mitchem

Windom

Bennett

—24

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Cabaniss, B. I. R., S. B. 398, adopted.

REGULAR SESSION
20th Day

1421

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 398. To provide that in addition to the definitions and authorizations contained in Sections 27-17-16, 27-30-1, 27-30-31, 27-30-33 and 27-36-7 of the Code of Alabama 1975, mutual aid associations may provide insurance policies and contracts as are authorized for domestic life and disability insurers in chapter 3 of Title 27 of the Code of Alabama 1975, subject to the paid-in capital restrictions upon policy or contract limits.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Preuitt	
Amari	Campbell	Drinkard	Rice	
Bailey	Corbett	Ellis	Sanders	
Barron	deGraffenried	Hale	Smith (B)	
Bedford	Denton	Manley	Smith (J)	
Bedsole	Dial	Mitchem	Windom	
Bennett				—24

Nays:

—0

RESOLUTION

Senators Windom, Bedsole, Hand, and Figures offered the following Senate Joint Resolution, to-wit:

S. J. R. 155. COMMENDING DR. FREDERICK P. WHIDDON FOR DISTINGUISHED SERVICE TO THE UNVIERSITY OF SOUTH ALABAMA AND AS MOBILIAN OF THE YEAR.

WHEREAS, Dr. Frederick P. Whiddon, a native of Newville, Alabama, has served as the first and only president of the University of South Alabama during its twenty-five year history; and

WHEREAS, the University of South Alabama celebrates its twenty-fifth anniversary this year; and

WHEREAS, Dr. Frederick P. Whiddon received his bachelor's degree from Birmingham Southern University and his Ph.D. from Emory University; and

WHEREAS, Dr. Whiddon was the youngest college president in the United States at age 33 when selected as the first president of the University of South Alabama; and

WHEREAS, he was selected as the Outstanding Young Man in Alabama in 1964 and one of the ten Outstanding Young Men in America in 1965; and

WHEREAS, he was selected as the Outstanding Administrator in Alabama by the Alpha Chapter of the American Association of University Administrators in 1981; and

WHEREAS, Dr. Whiddon serves in various capacities in many community organizations, including the Mobile Rotary Club, Mobile Kiwanis Club, Newcomen Society, Allied Arts Council, Historic Mobile Preservation Society and the Advisory Board of the Salvation Army; and

WHEREAS, he serves on the Board of Directors of the Mobile Area Council of the Boy Scouts of America, Mobile Area Chamber of Commerce Foundation, Federal Home Loan Bank, Atlanta, Georgia, Altus Bank and the Marine Environmental Sciences Consortium; and

WHEREAS, Dr. Whiddon is a member of the College Commission, Southern Association of Colleges and Schools and a member of the President's Commission, National Collegiate Athletic Association; and

WHEREAS, Dr. Whiddon has brought much honor and prestige to his native Alabama while serving as president of the University of South Alabama; and

WHEREAS, he is to be honored on April 21, 1989 as Mobilian of the Year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished and honorable service to the University of South Alabama, and in honor of his selection as Mobilian of the Year, we hereby most highly commend Dr. Frederick P. Whiddon, to whom a copy of this resolution shall be presented.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Figures, B. I. R., S. B. 378, adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley
Bailey	Campbell	Foshee	Mitchem
Barron	deGraffenried	Hale	Rice
Bedford	Denton	Hand	Sanders
Bedsole	Dial	Holmes	Smith (B)
Bennett	Dixon	Langford	Windom

Nays:

Senators: Corbett Parsons

—2

BILLS ON THIRD READING RESUMED

THE BILL:

S. 378. To provide that the Judicial Inquiry Commission's investigative and litigation costs shall be paid out of the funds appropriated annually to the court costs fund or funds; and to provide for repayment of any refunded or recaptured amounts to the court cost fund or general fund.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Preuitt
Amari	Campbell	Drinkard	Rice
Bailey	Corbett	Ellis	Sanders
Barron	deGraffenried	Hale	Smith (B)
Bedford	Denton	Manley	Smith (J)
Bedsole	Dial	Mitchem	Windom
Bennett			

—24

Nays:

—0

RESOLUTION

Senators Goodwin and Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 156. DESIGNATING THE EASTERN TIGER SWALLOWTAIL AS THE OFFICIAL MASCOT AND STATE BUTTERFLY FOR THE STATE OF ALABAMA.

WHEREAS, the City of Selma has previously been designated as the "Butterfly Capital of Alabama" and has selected as its Mascot the Eastern Tiger Swallowtail; and

WHEREAS, the Alabama Garden Clubs through their efforts have set aside April 16 as the official "Save the Butterfly Day" for the State of Alabama; and

WHEREAS, it has been brought to the attention of the City Council of the City of Selma that the State of Alabama does not have an official butterfly as its mascot as the states of California, Georgia, Illinois, Maryland, and Oregon have designated; and

WHEREAS, the City Council of Selma has requested the Legislature of the State of Alabama to designate the Eastern Tiger Swallowtail as the official mascot and State Butterfly for the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Eastern Tiger Swallowtail be designated as the official mascot and butterfly of the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the City Council of Selma and to The Honorable Guy Hunt, Governor of the State of Alabama.

On motion of Senator Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

H. 177. To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county and the voters within the corporate limits of any municipality in the county, on the question of whether the act will become effective.

The question was on the amendment offered by Senator Amari, which said amendment is set out in the Journal of the Senate for the Nineteenth Legislative Day.

On motion of Senator Barron, said amendment was laid on the table.

POINT OF PERSONAL PRIVILEGE

Senator Hand requested that the following statement be spread upon the Journal, to-wit:

I hereby protest the method by which the Bill H. 177 by Representative Richardson was brought before the Alabama Senate. I believe that Rule #51 was violated in bringing the bill before the Senate as a Local Bill. The Rule #51 plainly states that any gambling bill will be treated as a general bill in all phases of the process after it has cleared a Local Legislation Committee. The bill is before us in violation of the Rule and I refuse to vote on the matter until said bill has been appropriately brought before the Senate. I believe that the Constitution of the State of Alabama has been violated and question the constitutionality of the bill should it become law.

I refer to the Senate Calendar No. 16 on the 19th Legislation Day. House Bill #177 was reported in that calendar to be a Local Bill as shown on page iii by an asterisk. Also on page 116 of said calendar the bill is encaptioned as a Local Bill with the phrase "(With Notice and Proof)". The entire Senate was therefore placed on notice that the bill was still being treated as a Local bill in total violation of Rule #51.

The bill is before the Senate unconstitutionally and therefore does not deserve the respect shown by casting a vote in favor of or against.

STATEMENT BY PRESIDENT AND PRESIDING OFFICER

The President and Presiding Officer of the Senate, with reference to the preceding Point of Personal Privilege, stated that he felt that the handling of the Bill, H. B. 177, as a local bill was correct; Senator Covington asked if there were any objections to its being brought up as a local bill, and without objection, the Rules were suspended and H. B. 177 was taken up.

FURTHER CONSIDERATION OF H. B. 177

The Senate proceeded to further consideration of the Bill, H. B. 177.
And said Bill, H. B. 177, was read a third time at length and passed.
Yeas 7; Nays 5.
Abstaining 7.

Yeas:

Senators:	Campbell	Goodwin	Horn	
Barron	Foshee	Holmes	Preuitt	—7

Nays:

Senators:	Cabaniss	Sanders	Smith (B)	
Amari	Manley			—5

Abstaining:

Senators:	Bedsole	Ellis	Hilliard	
Bailey	deGraffenried	Hand	Parsons	—7

Senator Barron moved that the Senate reconsider the vote by which the Bill, H. B. 177, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BILL RECONSIDERED

On motion of Senator Smith (B), the Senate reconsidered the vote by which the Bill, H. B. 474, as amended, was passed.

On motion of Senator Smith (B), the Senate reconsidered the vote by which the Bill, H. B. 474, as amended, was ordered to its third reading.

On motion of Senator Smith (B), the Rules were suspended in order to offer the following amendment to the Bill, H. B. 474, as amended, to-wit:

AMENDMENT TO H. B. 474, AS AMENDED

AMEND H. B. 474 as follows:

In the title on page 1, line 17 delete the code section 40-12-14 and insert in lieu thereof "40-2-14"

On motion of Senator Bedsole, further consideration of the Bill, H. B. 474, as amended, and pending amendment, was postponed subject to the call of the Chair.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 32. Proposing an amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection and assessment programs to be repealed, replaced or superceded; all depending upon ratification by the voters of this amendment.

having been postponed subject to the call of the Chair on the Eighth Legislative Day, was again taken up.

Senator Corbett moved that further consideration of the Bill, S. B. 32, be postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 985. To Amend Act No. 88-872 of the 1988 First Special Session by imposing certain additional per ton fees on operators of commercial sites for the disposal of hazardous wastes or hazardous substances.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 985—to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 989. To amend Act No. 88-872 of the 1988 First Special Session relative to the tax levied on the disposal of hazardous waste generated outside the State of Alabama to impose a "prevailing rate" fee on such waste.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 989—to the Committee on Rules

FURTHER CONSIDERATION OF S. B. 32

The Senate proceeded to further consideration of the Bill, S. B. 32. The question was on the motion of Senator Corbett that further consideration be postponed subject to the call of the Chair.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 281. Relating to the operation of motor vehicles and the rules of highway and traffic safety; to amend Sections 32-5-76 and 32-5A-60 of the Code of Alabama 1975, relating to rules of the road so as to further prohibit the spilling, depositing or throwing of foreign materials or litter from a motor vehicle onto a highway, road, street or public right-of-way; to provide for the use of the uniform traffic citation in certain instances for violations; and to provide further for penalties for violations.

BILL DRINKARD,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 348. To amend sections 6-6-332 and 35-9-82, Code of Alabama 1975, relating to service of process, so as to provide further for procedures for service of process.

BILL DRINKARD,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 296. Proposing an amendment to the Constitution of Alabama of 1901, relating to authorizing the creation of county water authorities by a general or a local act of the Legislature.

BILL DRINKARD,
Chairperson.

FURTHER CONSIDERATION OF S. B. 32

The Senate proceeded to further consideration of the Bill, S. B. 32. The question was on the motion of Senator Corbett that further consideration be postponed subject to the call of the Chair.

On motion of Senator Bedsole, said motion to postpone was laid on the table.

Yeas 19; Nays 4.

Yeas:

Senators:	Campbell	Dixon	Manley	
Bailey	Covington	Ellis	Mitchem	
Barron	deGraffenried	Goodwin	Preuitt	
Bedsole	Denton	Hale	Smith (B)	
Cabaniss	Dial	Hand	Windom	—19

Nays:

Senators:	Corbett	Holmes	Langford	
Bishop				—4

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 32, adopted.

Yeas 22; Nays 2.

Yeas:

Senators:	Covington	Figures	Langford	
Bailey	deGraffenried	Foshee	Manley	
Barron	Denton	Goodwin	Mitchem	
Bedsole	Dial	Hale	Preuitt	
Cabaniss	Dixon	Hand	Smith (B)	
Campbell	Ellis	Holmes		—22

Nays:

Senators:	Corbett	Parsons		—2
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FURTHER CONSIDERATION OF S. B. 32

The Senate proceeded to further consideration of the Bill, S. B. 32.

On motion of Senator Corbett, further consideration of the Bill, S. B. 32, was postponed subject to the call of the Chair.

**FURTHER CONSIDERATION OF CONFERENCE
COMMITTEE REPORT FOR H. B. 281**

The Senate proceeded to further consideration of the new Conference Committee Report on the Bill:

H. 281. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1990.

which said Conference Committee Report is set out in the Journal of the Senate for the Nineteenth Legislative Day. The question was on the motion of Senator Hilliard that the motion to nonconcur in the Conference Committee Report be postponed temporarily.

Senator Hilliard offered a substitute motion that the Senate concur in the new Conference Committee Report on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 281, which motion was adopted.

**REGULAR SESSION
20th Day**

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Yeas 32; Nays 2.

Yeas:

Senators:	Covington	Foshee	Manley
Amari	deGraffenried	Goodwin	Mitchem
Bailey	Denton	Hale	Preuitt
Barron	Dial	Hand	Rice
Bedsole	Dixon	Hilliard	Sanders
Bennett	Drinkard	Holmes	Smith (B)
Bishop	Ellis	Horn	Smith (J)
Cabaniss	Figures	Langford	Windom
Campbell			

—32

Nays:

Senators:	Corbett	Parsons	—2
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RESOLUTIONS

Senator Sanders offered the following Senate Resolutions, to-wit:

S. R. 157. COMMENDING THE KEITH HIGH SCHOOL LADY BEARS ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

S. R. 158. CONGRATULATING THE PARAMOUNT HIGH SCHOOL BOBCATS ON THEIR OUTSTANDING 1988-1989 BASKETBALL SEASON.

Also:

S. R. 159. CONGRATULATING THE KEITH HIGH SCHOOL BEARS ON THEIR ACCOMPLISHMENTS OF THE 1988-1989 BASKETBALL SEASON.

Also:

S. R. 160. COMMENDING THE FRANCIS MARION HIGH SCHOOL RAMS ON THE 1988-1989 STATE CLASS 2A BASKETBALL CHAMPIONSHIP.

Also:

S. R. 161. COMMENDING THE FRANCIS MARION HIGH SCHOOL LADY RAMS ON THEIR ACCOMPLISHMENTS OF THE 1988-1989 BASKETBALL SEASON.

Which were filed.

Senator Bedford offered the following Senate Resolution, to-wit:

S. R. 162. COMMENDING DR. BOYCE S. ALBRIGHT OF HALEYVILLE, ALABAMA.

Which was filed.

MOTION IN WRITING

Senator Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 113, on page 80 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 113, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Senator Hilliard offered the following Senate Joint Resolution, to-wit:

S. J. R. 163. HONORING MILES COLLEGE SCHOOL OF LAW IN BIRMINGHAM, ALABAMA.

WHEREAS, it is with a sense of great pride and pleasure that the Legislature of Alabama notes that Miles College School of Law in Birmingham, Alabama, opened its doors and admitted its first class on August 26, 1974; and

WHEREAS, after nearly 15 years of operation, the institution continues to serve the changing aspirations of the Birmingham community by offering a legal education to persons whose financial or family obligations would prohibit them from attending a full-time day program; and

WHEREAS, at present, there are over 100 alumni of the College, many of whom are outstanding community leaders as well as practicing members of the bar; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend and congratulate Miles College School of Law in Birmingham in its successful endeavors relating to the legal profession and wish the school continued success.

BE IT FURTHER RESOLVED, That we further note the celebration of the Annual Law Day on April 29, 1989, and direct that a copy of this resolution be provided to the College in conjunction with the celebration.

On motion of Senator Hilliard, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO ADJOURN

Senator Goodwin moved that when the Senate adjourns today, it adjourn to meet again on Thursday, April 20, 1989, at 10 o'clock A.M., which motion was adopted.

BUDGET ISOLATION RESOLUTION

Senator Amari, B. I. R., S. B. 547, adopted.

Yeas 24; Nays 1.

Yeas:

Senators:	deGraffenried	Foshee	Langford
Bailey	Denton	Goodwin	Mitchem
Barron	Dial	Hale	Preuitt
Bedsole	Dixon	Hand	Smith (B)
Cabaniss	Ellis	Hilliard	Smith (J)
Campbell	Figures	Holmes	Windom
Covington			

—24

Nay: Senator Parsons

—1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 547. To expand the enforcement authority of the Medicaid Agency of Alabama to ensure that compliance with nursing home reform provisions of the Omnibus Budget Reconciliation Act of 1987 P. L. 100-203 and any persons protection act by the 1989 Alabama Legislature are met.

was taken up.

Senator Parsons offered the following substitute for the Bill, S. B. 547, to-wit:

SUBSTITUTE FOR S. B. 547

**A BILL
TO BE ENTITLED
AN ACT**

This bill expands the enforcement authority of the Department of Public Health to ensure that compliance with nursing home reform provisions of the Omnibus Budget Reconciliation Act of the 1987 P.L. 100-203 and any persons protection act by the 1989 Alabama Legislature are met.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislature recognizes the increasing population of our Senior Citizens and the importance of ensuring that each receives quality health care. The Department of Public Health shall have the power to enforce specific remedies to ensure compliance with OBRA.

Section 2. This Act shall be known as "The Long Term Quality Health Care Act."

Section 3. Any reference contained in this Act to federal law or compliance with federal law shall be a reference to compliance with the Omnibus Budget Reconciliation Act of 1987 P. L. 100-203, hereinafter referred to as "OBRA."

Section 4. Where referred to in this Act, facility shall mean intermediate care facility and skilled nursing facility licensed by the State Board of Health. More specific definitions shall be established by the department pursuant to the Alabama Administrative Procedures Act in order to comply with OBRA.

Section 5. The Department of Public Health is designated as the agency responsible to ensure compliance with the facility reform provisions of OBRA and to enforce any specific civil remedies against nursing homes empowered by any persons protection act passed by the 1989 Alabama Legislature. All funds received pursuant to this Act shall be deposited with the treasury to credit of the State Board of Health and are hereby continually appropriated for the purpose of carrying out the provision of this Act.

Section 6. The Health Department shall have such specific civil remedies of enforcement as is required by OBRA as a minimum state enforcement remedy. The Department shall also have such specific civil remedies of enforcement as is required by OBRA as a minimum state enforcement remedy in order to enforce any violation of any persons protection act passed by the 1989 legislature. In order to ensure compliance with this Act, the Health Department rules and regulations and OBRA, the Agency shall also specify

criteria, as to when and how each of such enforcement remedies is to be applied, the amounts of any fines, and the severity of each of these remedies, to be used in the imposition of such remedies. Such criteria shall be designed so as to minimize the time between the identification of violations and final imposition of the remedies, and shall provide for the imposition of incrementally more severe fines for repeated or uncorrected deficiencies. Such enforcement remedies and criteria shall be promulgated by rule or regulation pursuant to the Alabama Administrative Procedures Act no later than October 1, 1989. The Health Department shall not have the power to implement such specific enforcement remedies until the agency has also adopted specific criteria as to when and how each of such remedies is to be applied, the amounts of any fines, and the severity of each of these remedies to be used in the imposition of such remedies.

Section 7. All revenue collected pursuant to assessing civil penalties shall be deposited in the State Treasury to the credit of the State Board of Health in a trust fund known as the Resident Protection Trust Fund. This fund is hereby appropriated to the Health Department to be expended for the purpose of protecting the health and property of residents in nursing facilities found deficient and for assisting with relocating indigent residents when an action is taken under the auspices of this Act. This fund may be used for the maintenance of a facility pending correction of deficiencies or closure and to reimburse residents for personal funds lost. All funds in excess of \$50,000 may be used to provide technical assistance to facilities to return to full compliance with this Act.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 10. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Lindsey (With Notice and Proof):

H. 925. Relating to Cleburne County; to provide that, as long as the probate judge sells automobile and motor vehicle licenses, he shall be paid on a pro-rata basis out of the ad valorem tax proceeds collected each year into the county general fund, effective October 1, 1989; and to create a special account in the general fund for such taxes collected.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 925, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

H. 972. Relating to the City of Centre in Cherokee County; providing further for the manner of electing the members of the city council so as to

remove the designation of place number for any council member; providing for cumulative voting for council members; providing for the elimination of run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 972, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

H. 973. Relating to Cherokee County; to authorize a local citation fee for license inspector citations personally served by the license inspector, and to provide for the distribution of said fee.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 973, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 925, 972, and 973—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Thomas (With Notice and Proof):

H. 927. Relating to Lowndes County, amending Act No. 166, H. 137, 1961 Regular Session, which levies a sales tax, so as to provide further for the distribution of the tax.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 927, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Thomas (With Notice and Proof):

H. 928. Relating to Lowndes County; to amend Section 12 of Act No. 87-620, H. 1088 of the 1987 Regular Session (Acts 1987, p. 1097) as amended,

which levies an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes thereof so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 928, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 927 and 928—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Headley (With Notice and Proof):

H. 811. Relating to Chilton County, providing for a special recording fee for each document filed for record in the office of the probate judge and to provide for the distribution of such fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 811, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Breedlove (With Notice and Proof):

H. 970. Relating to Washington County, providing further for the compensation of the district judge.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 970, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 811 and 970—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 965. Relating to Lee County; providing that the Lee County Commission shall be authorized to levy sales and use taxes outside the corporate limits of the Cities of Auburn and Opelika generally paralleling the state sales and use taxes but limited in amount as set out herein, with the same exemptions and exclusions; providing for the collection of such tax by the State Department of Revenue; providing for the distribution and use of proceeds; and repealing Act No. 88-400, H. 886, 1988 Regular Session.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 965, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Moon (With Notice and Proof):

H. 984. Relating to Marshall County, levying a sales tax on certain alcoholic beverages sold at retail in the county and providing for its distribution.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 984, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 965 and 984—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Willis (With Notice and Proof):

H. 931. Relating to Calhoun County, Alabama, to allow, in addition to the uses now otherwise allowed, the use of funds collected or obtained pursuant

to the provisions of Title 11, Subtitle 3, Chapter 98, Code of Alabama 1975, by communications districts in said county, for the purchasing of road and street signs necessary for roads and streets which are renamed in order to establish E 911 service; due to the local needs of Calhoun County not having been otherwise provided for by other legislation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 931, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 939. Relating to Lee County; to create the Lee County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Lee County; to grant the commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; and to provide exceptions for such zoning regulations and for appeals from the decisions of the commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 939, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 931 and 939—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley (With Notice and Proof):

H. 980. Relating to Coffee County; providing further for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the Revenue Commissioner to the Probate Judge requiring an additional bond of the Probate Judge; providing for the deposit of fees and commissions in the general fund of the county; and defining terms.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 980, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Fuller and Laird (With Notice and Proof):

H. 958. Relating to Chambers County; providing for an increase in certain court costs and providing for the disposition of the proceeds from the increase.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 958, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 980 and 958—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Rogers, McDowell, and McClain (With Notice and Proof):

H. 782. Relating to Jefferson County; providing further for the Jefferson County Civil Service laws and the personnel board; requiring the county personnel board to add certain preferential points to any examination for employment by certain veterans, certain disabled veterans and widows or widowers of certain veterans; and to repeal conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 782, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 782—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Adams (With Notice and Proof):

H. 902. Relating to Russell County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 902, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Marks and Drake (With Notice and Proof):

H. 906. Relating to Morgan County; providing for an additional expense allowance for the court reporter of the Eighth Judicial Circuit.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 906, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Drake (With Notice and Proof):

H. 914. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county and providing for a retroactive effective.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 914, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 902, 906, and 914—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Thomas (With Notice and Proof):

H. 929. Relating to Lowndes County; to amend Section 6 of Act No. 87-523, H. 1090 of the 1987 Regular Session (Acts 1987, p. 791) which levies

a county privilege, license or excise tax on tobacco and certain tobacco products so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 929, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Holley (With Notice and Proof):

H. 978. Relating to redeeming lands for taxes in Coffee County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 978, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Holley (With Notice and Proof):

H. 979. Relating to collection and distribution of casual sales and use taxes in Coffee County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 979, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 929, 978, and 979—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Fuller and Laird (With Notice and Proof):

H. 959. Relating to Chambers County, authorizing the county commission to levy an annual license or privilege fee upon any business, except for practicing the religious tenets of any church, and to allow it to set the amount of any such business or privilege license fee at a rate of from ten dollars to one hundred dollars for each type or category of business in the county, and authorizing the county commission to promulgate all necessary

or appropriate rules and regulations for the implementation and enforcement of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 959, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Fuller and Laird (With Notice and Proof):

H. 960. To levy and impose on lessors or renters of tangible personal property in Chambers County an additional license or privilege tax based on the gross proceeds of such business of leasing or renting tangible personal property to be deposited into the general fund of the county treasury for the use of Chambers County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 960, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Fuller and Laird (With Notice and Proof):

H. 961. Relating to Chambers County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 961, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 959, 960, and 961—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Britnell (With Notice and Proof):

H. 947. To amend the title and sections 1, 2, 3, 4, and 5 of Act No. 54, H. 378, approved June 28, 1965 (Acts 1965, p. 75), which provides for

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a junior college and trade school scholarship program for residents of Franklin County, Alabama, so as to provide for a community college scholarship program for such residents and for the manner of awarding such scholarships.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 947, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Britnell (With Notice and Proof):

H. 948. Relating to Marion County, to amend Act No. 79-259, H. 665 of the 1979 Regular Session (Acts of 1979, p. 399) pertaining to the county commission's authority in regard to constructing and maintaining certain roads and driveways, so as to grant said authority to municipalities located in Marion County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 948, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 947 and 948—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Marietta (With Notice and Proof):

H. 900. Relating to any Class 2 municipality; providing for an additional method of annexation of territory by any Class 2 municipality; providing for a referendum on the question of annexation by the qualified electors residing within the territory proposed to be annexed by such municipality; and providing for an exemption from city ad valorem taxation for a period of five years of territory annexed under this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 900, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 900—to the Committee on Local Legislation No. 3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hogan (With Notice and Proof):

H. 892. Relating to Walker County; to provide monies to the Juvenile Court Advisory Committee Fund in order to finance any group homes, detention facility, shelter care facility or Court, Juvenile Court or Municipal Courts of Walker County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 892, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Laird (With Notice and Proof):

H. 893. Relating to Randolph County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Randolph County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 893, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 892 and 893—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Newton (D), Gray, and Spratt (With Notice and Proof):

H. 834. Relating to Jefferson County; amending Section 6 of Act No. 547, H. 1176, 1965 Regular Session, relating to the powers of the civic center authority established pursuant to said act, so as to specify in a more general and comprehensive manner the types of facilities that said authority may own, operate and manage.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 834, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. White (L) (With Notice and Proof):

H. 855. Relating to Tallapoosa County, to provide for the filing for record and the preservation of all orders and judgments made and entered by the judge of the circuit court of the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 855, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 834—to the Committee on Local Legislation No. 2

H. B. 855—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Biddle (With Notice and Proof):

H. 751. Relating to the governing body of Jefferson County, Alabama; to authorize the Jefferson County Commission to employ administrative assistants, confidential secretaries and to set their compensation; to exempt such positions from any merit system and to provide other employment benefits.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 751, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Curry (With Notice and Proof):

H. 767. Relating to Jefferson County; authorizing the Director of Revenue, Commissioner of Licenses or License Inspector to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 767, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Bryant (With Notice and Proof):

H. 852. Relating to the City of Marion in Perry County; authorizing the Marion City governing body to levy an additional ad valorem tax to be used for educational purposes and providing for a referendum on such taxes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 852, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 751 and 767—to the Committee on Local Legislation No. 2

H. B. 852—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Drake (With Notice and Proof):

H. 807. Relating to Cullman County; to amend further Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), which act levies a sales and use tax in Cullman County and provides for the distribution and use of the tax proceeds, so as to remove a special, separate account established to receive such tax proceeds; to remove the bonding

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requirements of the custodian of public school funds of Cullman County; and to require the custodian of public school funds to deposit such tax revenues or proceeds into the general fund of the Cullman County school system.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 807, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Drake (With Notice and Proof):

H. 808. Relating to Cullman County; providing for the county commission on education to reimburse the office of the county superintendent of education for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county allocated for schools.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 808, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Newton (C) (With Notice and Proof):

H. 812. Relating to Crenshaw County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 812, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 807, 808, and 812—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Drake and Bowling (With Notice and Proof):

H. 717. To amend Section 2 of Act No. 158, H. 178, 1973 Regular Session, pertaining to levying and collecting assessments on forestland in Cullman County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 717, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Flowers (With Notice and Proof):

H. 923. Relating to Pike County; authorizing the Pike County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire protection; and expressing legislative intent regarding said contracts.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 923, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Laird (With Notice and Proof):

H. 941. Relating to Clay County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Clay County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 941, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 717, 923, and 941—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Hall (With Notice and Proof):

H. 770. Relating to Madison County; regulating the use of county-owned or leased vehicles by the county commissioners and other county employees;

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requiring certain federal record-keeping and standards; and providing for the mileage requirement.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 770, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 770—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Britnell (With Notice and Proof):

H. 890. To remove certain property from within the municipal limits of Bear Creek in Marion County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 890, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Britnell (With Notice and Proof):

H. 949. To amend Section 6 of Act No. 515, H. 756, approved September 14, 1963 (Acts 1963, p. 1100), which levied a tobacco tax in Franklin County, Alabama, so as to provide further for the disposition of the proceeds of the revenue from such tax.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 949, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 890 and 949—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hall and Freeman (With Notice and Proof):

H. 655. Relating to Madison County; to exempt the Optimist Club of Hazel Green, Inc., from all county or local ad valorem taxation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 655, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. White (F) (With Notice and Proof):

H. 768. Relating to Escambia County, providing for the establishment and financing of a county law library and repealing Act No. 596, S. 779, 1969 Regular Session, as amended.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 768, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Warren (With Notice and Proof):

H. 774. Relating to Conecuh County; to amend Section 9 of Act No. 86-322, 1986 Regular Session, so as to remove the requirement that the county roads be maintained and constructed as a unit.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 774, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 655, 768, and 774—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hamilton, Starkey, and Goodwin (With Notice and Proof):

H. 859. Relating to Lauderdale County; amending Act No. 84-387, H. 757, 1984 Regular Session, so as to provide further for the term and compensation of the revenue commissioner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 859, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hogan (With Notice and Proof):

H. 868. Relating to Walker County, providing further for the compensation of the county treasurer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 868, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Hogan (With Notice and Proof):

H. 869. Relating to Walker County; to amend Section 3 of Act No. 1067, S. 938 of the 1973 Regular Session (Acts 1973, p. 1802), as amended, relating to the county commission, so as to provide further for the meetings of said commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 869, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 859, 868, and 869—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Starkey and Hamilton (With Notice and Proof):

H. 905. Relating to Lauderdale County, providing further for the compensation of the license commissioner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 905, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Zoghby (With Notice and Proof):

H. 907. Relating to the City of Mobile; providing further for cost-of-living increases for persons retired from the city board of health.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 907, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Zoghby (With Notice and Proof):

H. 908. Relating to Mobile County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 908, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 905—to the Committee on Local Legislation No. 1

H. B.'s 907 and 908—to the Committee on Local Legislation No. 3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. White (G) and Wright (With Notice and Proof):

H. 822. To establish the salaries for the following officers of Jefferson County, Alabama: the president of the county commission and the four associate county commissioners; and to provide that the salaries as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 822, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. White (G) (With Notice and Proof):

H. 824. To establish an expense allowance for the following officers of Jefferson County, Alabama: the County Commissioners; and to provide that such expense allowance as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 824, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to the appropriate Standing Committee, as follows:

H. B.'s 822 and 824—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Mathis, Carothers, and Beasley (With Notice and Proof):

H. 795. Relating to Houston County; amending the title, section 2 and section 7 of Act No. 88-386, H. 768, 1988 Regular Session, relating to certain levies, collection and distribution of certain tobacco taxes, so as to eliminate the provisions relating to an advisory referendum and providing for the net revenues to be paid into the county general fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 795, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Moon (With Notice and Proof):

H. 861. Relating to the City of Guntersville in Marshall County; authorizing the City of Guntersville to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the

said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 861, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 795 and 861—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Layson and Newman (With Notice and Proof):

H. 909. Relating to the 24th judicial circuit; amending Section 1 of Act No. 86-553, S. 641, of the Regular Session of 1986 (Acts 1986, p. 1127), which provides a monthly expense allowance for the presiding judge, so as to remove the restriction on such allowance to certain travel expenses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 909, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Layson and Newman (With Notice and Proof):

H. 910. Relating to the 24th judicial circuit; amending Section 1 of Act No. 86-691, H. 123, of the First Special Session of 1986 (Acts 1st Special Session 1986, p. 96), which provides a monthly expense allowance for the district attorney, so as to remove the restriction on such allowance to certain travel expenses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 910, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 909 and 910—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper (With Notice and Proof):

H. 143. Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 143, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Moon (With Notice and Proof):

H. 862. Relating to Marshall County, amending Act No. 87-522, 1987 Regular Session, which provides for a tobacco tax, so as to provide further for the collection of said tax.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 862, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blake (With Notice and Proof):

H. 866. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city and to provide for a referendum.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 866, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 143—to the Committee on Local Legislation No. 3

H. B.'s 862 and 866—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gray, Davis, McClain, Newton (D), McDowell, Beers, Biddle, Spratt, Perdue, Wright, Payne, Hill, Petelos, Curry, White (G), and Rogers
(With Notice and Proof):

H. 895. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Michael P. Sweatt for a pension based upon extraordinary disability and to award such pension if, in the judgement of the Board of Managers, such pension is required, and to provide for the conditions and limitations applying to such pension, and to set an effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 895, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 895—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Haynes (With Notice and Proof):

H. 303. Relating to Talladega County; authorizing the county to pay all of its employees whose compensation is provided for by local act, on a bi-weekly basis instead of a semi-monthly basis; to provide that the provisions of this act are supplemental and are to be construed in *pari materia* with other laws regulating compensation; and to provide further that those laws or parts of laws that are in direct conflict or inconsistent with this act are repealed hereby.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 303, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Mathis (With Notice and Proof):

H. 898. Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 898, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 303 and 898—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Butler, Freeman, and Sanderford (With Notice and Proof):

H. 577. Relating to Madison County; to authorize the county commission to designate an official county historian and appropriate an honorarium for same.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 577, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hall (With Notice and Proof):

H. 771. Relating to Madison County and emergency telephone service charges so as to further provide for the rate process in the county on such service; providing for certain advisory referenda called by the county commission on certain increases; and providing for additional information to be listed on ballot in referendums on question of emergency telephone service charge; and providing for the provisions of this act to be applicable retroactively to any referenda on such charges held within the last eighteen months from the effective date of this act, and thereafter.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 771, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 577 and 771—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Harper, Turnham, Johnson (RG), Williams, and Rogers:

H. 142. To create the Dietetics/Nutrition Practice Act and to provide for a board of examiners, and to prescribe the method of appointment; its duties and authorities; and to provide for licensing qualifications, renewals and revocation, exemptions, reciprocity, and penalties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 142—to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Johnson (RG), Carothers, and Beasley:

H. 141. To amend further sections 16-25-14 and 36-27-16, Code of Alabama 1975, relating to retirement benefits under the Teachers' and Employees' Retirement Systems, so as to provide for disability retirement in cases of service retirement upon completion of twenty-five years of creditable service.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 141—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 805. To create a fund in the state treasury to be known as the Governor's Contingency Fund; to define the purposes for which said fund may be used and the manner of making withdrawals therefrom; to provide for the appropriation thereto; and to provide the effective date of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 805—to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Haynes:

H. 555. To amend Sections 32-13-1, 32-13-2, 32-13-3 and 32-13-4, Code of Alabama 1975, which relate to the removal of abandoned vehicles from privately owned property, so as to provide for notice by publication and certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and to provide for a hearing if the vehicle is abandoned and should be sold.

Also:

By Reps. Box, Fuller, Breedlove, Marietta, Penry, Blakeney, Hooper, McKee, Johnson (RG), Mathis, Kvalheim, Beasley, Newton (C), Layson, Carothers, Willis, Hogan, Venable, Mikell, Bowling, Clark (J), Turner, Kennedy, Holmes, Zoghby, Gaston, Newton (D), McDowell, Walker, Buskey (JL), Higginbotham, White (L), Starkey, Williams, Butler, Harvey, Knight, Richardson, Melton, Coburn, Goodwin, Moon, Newman, Lindsey, Freeman, Parker, Dillard, Hill, Logan, Spratt, Headley, Britnell, Hamilton, Wright, Petelos, Sanderford, Rains, Ford, Carter, Haynes, Laird, Hall,

Bugg, Gray, Marks, Buskey (JE), Rogers, Burke, Frazier, Turnham, Harper, Campbell, White (G), Cosby, Davis, and Slaughter:

H. 800. To require approval by the commissioner of insurance of adjustments in health and disability insurance rates and require that insurance companies file certain information with the insurance department.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 555—to the Committee on Small Business

H. B. 800—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Holley:

H. 592. To amend Section 37-6-3 of the Code of Alabama 1975, relating to the powers of rural electric cooperatives, so as to authorize cooperatives to acquire minority interests in electric generating plants, transmission and distribution lines or systems in common with others, to own undivided interests in facilities, to contract for the construction, operation and maintenance of facilities by other parties and allocate among parties to the contract various costs and expenses and specify entitlement of joint owners to production capability or utilization of facilities, to alter the normal rights of joint owners of property through provisions in such agreements and delegate powers and duties in connection with construction, operation, ownership and disposal of facilities to other parties to such agreements, to contract for the purchase and ownership of project capability or amounts of electric capacity and energy from a project, whether such project is complete or operable or operating, to agree to pay expenses and costs as established by a project manager, including increased costs to cover defaults by project participants and to authorize agreements requiring payments by a cooperative of an unconditional nature, irrespective of whether any electricity or other service is received in return and irrespective of whether the cooperative owns an interest in any tangible physical property.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 592—to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment.

By Rep. Laird:

H. 557. To require disclosure of the use and identification of nonoriginal equipment manufacturer after market crash parts.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 557—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Zoghby:

H. 614. To further amend Section 40-8-1, Code of Alabama 1975, as amended, relating to the assessment rate of ad valorem taxes and definitions therefor, so as to include certain identifiable formula for inclusion of state historical buildings, places and sites.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 614—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (L):

H. 831. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Tallapoosa County so as to authorize the county commission to increase certain court costs, to provide for disposition of the increased fees and to provide for retroactive effect.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 831—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Blake:

H. 881. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on out-of-state solid waste disposed of in St. Clair County.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 881—to the Committee on Commerce, Transportation, and Utilities

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Newton (C) (With Notice and Proof):

H. 865. Relating to Crenshaw County; authorizing the county commission to levy an additional sales and use tax paralleling the state sales and use tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63, Code of Alabama 1975, as amended; providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for termination of this act unless continued by a majority of the electors of Crenshaw County in a referendum.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 865, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 865—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Box and Higginbotham:

H. 446. To further amend Section 41-14-33, Code of Alabama 1975, as amended, relating to time deposits, open accounts and annual rate of interest thereon, so as to further provide therefor and for 91 day and 26 week maturities and certain one year maturities.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 446—to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Freeman, Hall, White (L), Fuller, Richardson, Williams, and Moon:

H. 494. To amend Section 33-5-17, Code of Alabama 1975, as last amended, relating to classification of vessels and registration fees, so as to increase certain registration fees; and to provide that certain amounts of said fees shall be dedicated to and utilized for the repair of public boat ramps and launching areas.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 494—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Rains, Cosby, Gray, Davis, Hall, Moon, Escott, Colvin, Butler, Mikell, Starkey, McMillan, Burke, Carter, Ford, Rogers, McDowell, McClain, Johnson (RW), Melton, Clark (J), Freeman, Sanderford, Harvey, Warren, Flowers, Adams, Logan, Richardson, Penry, Hamilton, Hooper, Parker, Newton (C), Beasley, Mathis, Frazier, Hogan, Goodwin, Wright, and Dillard:

H. 946. To amend Section 16-33-4 of the Code of Alabama 1975, relating to benefits for dependents of blind parents, so as to provide further for such benefits.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 946—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDowell, McClain, and Davis:

H. 514. Providing that any elected assistant district attorney shall receive all entitlements enumerated in Title 12, Chapter 17, Article 6 of the Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 514—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. White (L) and Haynes:

H. 338. To provide that in addition to the definitions and authorizations contained in Sections 27-17-16, 27-30-1, 27-30-31, 27-30-33 and 27-36-7 of

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the Code of Alabama 1975, mutual aid associations may provide insurance policies and contracts as are authorized for domestic life and disability insurers in chapter 3 of Title 27 of the Code of Alabama 1975, subject to the paid-in capital restrictions upon policy or contract limits.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 338—to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (L):

H. 107. To amend Section 27-7-5, Code of Alabama 1975, so as to exempt from examination requirements those applicants whose license is limited to personal property insurance sold to borrowers or debtors under a master group policy issued to a creditor.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 107—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Thomas (With Notice and Proof):

H. 930. Relating to Lowndes County; to grant the county commission certain power relating to levying or increasing county business or privilege licenses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 930, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 930—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Blakeney and Black:

H. 934. Proposing an amendment to the Constitution of Alabama of 1901, relating to additional ad valorem taxes in Choctaw County.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 934—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 425. To provide that a retired state policemen may accept employment with a city or county agency and continue to receive his retirement benefits but shall not receive additional retirement benefits for his new employment even though he contributes to the retirement systems; provided further, however, that upon termination of employment with the county or city agency, the employee shall receive the principal amount paid by him into the retirement system less any interest earned on the principal amount.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 425—to the Committee on State Development and Tourism

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Venable:

H. 638. Relating to city boards of education; to amend section 16-11-3 of the Code of Alabama 1975, so as to provide that a local act may provide for the election of members by popular vote and ratifies certain existing local acts.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 638—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 177. To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county and the voters within the corporate limits of any municipality in the county, on the question of whether the act will become effective.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor, with the date and hour of delivery, to-wit:

JOURNAL OF THE SENATE, 1989
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S. B. 494

S. B. 569

S. B. 577

Delivered to the Governor April 18, 1989, at 5:23 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 7:55 P.M., on motion of Senator Manley, in accordance with Motion heretofore adopted, and pending further consideration of the Bills, S. B.'s 547, 28, and 31, the Senate adjourned until Thursday, April 20, 1989, at 10 o'clock A.M.

TWENTY-FIRST LEGISLATIVE DAY

THURSDAY, APRIL 20, 1989

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Bill Yarber, Pastor, Cloverdale Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Katrina Worthy, Brewbaker Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Mitchem
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Rice
Bedsole	Dial	Hilliard	Sanders
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Cabaniss	Ellis	Langford	Windom

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twentieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Twentieth Legislative Day was approved by the Senate.

RECESS

At 10:05 A.M., on motion of Senator deGraffenried, the Senate took a recess subject to the call of the Chair.

JOINT SESSION

At 10:15 A.M., in accordance with H. J. R. 75, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of Chief Justice Sonny Hornsby, of the Supreme Court, on the State of the Judiciary.

The Session was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, Chief Justice Hornsby was escorted to the chair and delivered his message to the Legislature of Alabama.

The recess period having expired, at 11:10 A.M., the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 642. To amend Act No. 88-953 passed in the 1988 Second Extraordinary Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriations from the State General Fund to the Alabama Development Office, the Alabama Forestry Commission, the Alabama Historical Commission, the Alabama Department of Economic and Community Affairs, the Department of Agriculture and Industries, the Department of Environmental Management and the Bureau of Tourism and Travel for the fiscal year ending September 30, 1989.

said Conference Report being in words and figures as follows:

**REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE BILL 642**

We, the Committee on Conference appointed to reconcile the differences of the two houses concerning House Bill 642, have met in conference and agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

TAYLOR HARPER,
JAMES M. CAMPBELL,
GARY WHITE,

Conferees on the Part of the House.

FRED HORN,
LOWELL BARRON,
WILLIAM DRINKARD,
Conferees on the Part of the Senate.

**CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 642
A BILL
TO BE ENTITLED
AN ACT**

To amend Act No. 88-953 passed in the 1988 Second Extraordinary Session which makes appropriations for ordinary expenses of the executive,

legislative and judicial departments of the State by reducing the appropriations from the State General Fund to the Alabama Development Office, the Alabama Forestry Commission, the Alabama Historical Commission, the Alabama Department of Economic and Community Affairs, the Department of Agriculture and Industries, the Department of Environmental Management, the Highway Department and the Bureau of Tourism and Travel for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Act No. 88-953 passed by the Legislature in the 1988 Second Extraordinary Session is hereby amended to include the following new Section.

Section 8A.

The appropriations made herein from the State General Fund to the following agencies shall be reduced by the following amounts for the fiscal year ending September 30, 1989. Said amounts shall revert to the credit of the State General Fund.

Alabama Development Office	\$200,000
Alabama Forestry Commission	\$366,000
Alabama Historical Commission	\$530,000
Alabama Department of Economic and Community Affairs	\$370,000
Department of Agriculture and Industries	\$150,000
Department of Environmental Management	\$100,000
Bureau of Tourism and Travel	\$100,000
Highway Department	\$100,000

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, H. B. 642, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, H. B. 642, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Horn, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B.

642, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 22; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Amari	Denton	Hale	Mitchem	
Bailey	Dial	Hilliard	Sanders	
Bennett	Dixon	Holmes	Smith (B)	
Bishop	Ellis	Horn	Windom	
Corbett	Figures	Langford		—22

Nays:

—0

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Ellis (With Notice and Proof):

S. 675. Relating to Shelby County, providing further for the duties of the judge of probate.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 675, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Horn:

S. 676. To amend Section 32-2-25, Code of Alabama 1975, which provides for an arrest fee, so as to increase said fee and provide for its disposition.

Committee on Finance and Taxation.

By Senator Hand:

S. 677. To amend Section 17-4-131, Code of Alabama 1975, relating to the names of deceased persons furnished to boards of registrars, so as to provide further for what information shall be furnished, to provide that said information shall be furnished to all county boards of registrars and to require affected boards of registrars to purge said names from the registration lists within a certain time.

Committee on Small Business.

By Senator Hand:

S. 678. To require the Department of Public Safety to provide certain information to boards of registrars on persons acquiring drivers' licenses outside of the state; to authorize the boards of registrars to delete the names of said persons from voter registration lists; and to provide for certain exemptions for persons in the armed forces.

Committee on Small Business.

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By Senator Hand:

S. 679. To provide that the bureau of vital statistics shall furnish to the boards of registrars a list of previously deceased persons.

Committee on Small Business.

By Senator Corbett:

S. 680. To make a supplemental appropriation to the Marine Environmental Sciences Consortium for capital outlay for the fiscal year ending September 30, 1990.

Committee on Finance and Taxation.

By Senator Corbett:

S. 681. To make a supplemental appropriation to the Marine Environmental Sciences Consortium for operations and maintenance for the fiscal year ending September 30, 1990.

Committee on Finance and Taxation.

By Senator Smith (B):

S. 682. To provide for the creation of a public corporation to be known as the "Alabama Supercomputer Authority" for the purpose of acquiring, developing and administering a state-wide supercomputer and related telecommunications system for use by governmental agencies, educational institutions and private-sector businesses and industries; to provide a procedure for incorporation; to provide for the management of the public corporation by a board of directors; to confer upon the public corporation certain powers and authorities; to provide for the appointment of a chief executive officer and staff; that the Authority will retain no intellectual property rights in products, processes, etc., developed through utilization of the system; to provide for the privacy, security and confidentiality of data maintained in the system; to transfer certain assets to the Authority; to provide for collection and use of funds by the Authority; to provide for the tax-exempt treatment of the Authority and require it to operate as a nonprofit corporation; and to provide for the dissolution of the Authority.

Committee on State Development and Tourism.

By Senator Smith (J) (With Notice and Proof):

S. 683. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County, annexing certain territory to the city.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 683, as required in the General Acts of Alabama, 1975, Act No. 919.

MCDOWELL LEE,
Secretary.

By Senator Rice:

S. 684. To amend sections 34-7-1, 34-7-11, 34-7-12, 34-7-21, 34-7-25, 34-7-40, 34-7-41, 34-7-42, 34-7-45 and 34-7-47, Code of Alabama 1975, which pertain to the Alabama board of cosmetology, so as to increase license fees;

provide further for enforcement provisions, fines and injunctive enforcement; and provide further for the membership and compensation of the board.

Committee on Governmental Affairs.

By Senator Dial:

S. 685. To allow survivors of the attack on Pearl Harbor to purchase distinctive motor vehicle license plates or tags; to prohibit the transfer of such plates; to prescribe the manner of charging for such license plates or tags; and to provide for the duties and powers of the commissioner of revenue and the probate judge or license commissioner.

Committee on Commerce,
Transportation, and Utilities.

By Senator deGraffenried:

S. 686. To express the intent of the legislature concerning House Bill 775 of the 1989 Regular Session or Senate Bill 508 of the 1989 Regular Session of the Alabama legislature relating to the creation of county industrial development authorities. It provides that any bonds issued pursuant to any act which either of said bills become shall be subject to the pre-issuance provisions of Sections 8-6-110 through 8-6-122 of the Code of Alabama 1975, so as to protect the integrity of the county industrial authorities.

Committee on State Development and Tourism.

By Senator Ellis (With Notice and Proof):

S. 687. To amend Act No. 82-693 passed by the Alabama Legislature and approved by the Governor (as amended by Act No. 84-454) which provides for the creation and establishment of the Shelby County Planning Commission, so as to further provide for membership, organization, authority and function of the Shelby County Planning Commission.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 687, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Barron, Mitchem, and Manley

S. 688. To propose an amendment to the Constitution of Alabama to authorize the state to pay a portion of the capital costs of public facilities and works of internal improvement consisting of the deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and the acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the State Docks at the Port of Mobile; to authorize the state to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$20,000,000; and to authorize the state to establish a bond commission with the powers and resources necessary to issue the bonds authorized by this amendment to be issued by the state.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Senators Barron, Mitchem, and Manley:

S. 689. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$20,000,000 for the purpose of paying a portion of the capital costs of deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and the acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the State Docks at the Port of Mobile; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this act; to empower the Bond Commission to make necessary payments and agreements regarding investments to comply with Federal law regarding tax exempt bonds, and to exempt from taxation in the State all bonds issued pursuant to this Act and the income therefrom.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gaston, Kvalheim, and Zoghby:

H. 152. To authorize the Alabama State Docks Department to use funds for a safety incentive program.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 152—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Breedlove, Clark (J), Blakeney, Butler, Venable, White (F), Carter, Thomas, Laird, Fuller, Adams, Headley, Buskey (JL), Bryant, Beasley,

Carothers, Johnson (RG), Biddle, Freeman, Mathis, Hall, Cosby, Harper, Hammett, and Buskey (JE):

H. 950. To amend Act 88-824, so as to extend amnesty for payment of ad valorem taxes on tangible personal property by revising the date for filing, assessment, and payment of taxes to June 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 950—to the Committee on Finance and Taxation

FURTHER CONSIDERATION OF H. B. 474

The Senate proceeded to further consideration of the Bill:

H. 474. To amend Sections 40-2-12, 40-2-13 and 40-12-14 of the Code of Alabama 1975, so as to allow the department of revenue to store data on electronic media and computer output microfilm and, after validation of accuracy, to destroy the original documents; to allow data stored electronically to be admitted in evidence in all courts.

as amended. The question was on the amendment offered by Senator Smith (B), which said amendment is set out in the Journal of the Senate for the Twentieth Legislative Day.

And said amendment was then adopted.

Yeas 18; Nays 0.

Yeas:

Senators	Corbett	Figures	Parsons	
Amari	deGraffenried	Goodwin	Sanders	
Bailey	Dial	Langford	Smith (B)	
Bedsole	Drinkard	Manley	Windom	
Bennett	Ellis	Mitchem		—18

Nays: —0

And said Bill, H. B. 474, as amended, was again read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Parsons	
Bedsole	Dial	Holmes	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Corbett	Ellis	Manley	Windom	
deGraffenried	Figures	Mitchem		—18

Nays: —0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Senator deGraffenried, consideration of the Bill:

S. 508. To define certain terms; to make findings; to authorize and set forth the requirements for the creation of county industrial development authorities, the procedure for incorporation, the qualifications, procedure for election, and terms of the Officers and Directors of an Authority, the procedure for reincorporating and ratifying the existence of previously organized industrial development authorities and boards, the issuance, sale, and execution of Bonds, the disposition of proceeds from sale of Bonds and refunding Bonds, the making of grants, the amendment of articles of incorporation; to designate certain powers of the Authority; to exempt Authorities, their property and income, from usury and interest laws, taxation, competitive bid, and sunshine laws; to provide limited liability of Authorities, their members, officers, agents, and employees; to provide a procedure for validating Bond issues; to authorize other governmental bodies to appropriate funds and donate property to an Authority; and to make provisions for the dissolution of Authorities and transfer of funds and assets upon dissolution; to permit cities, counties, the State, the teachers' retirement system of Alabama, the employees' retirement system of Alabama, the state insurance fund, and fiduciaries to invest in Bonds issued by an Authority; to permit Bonds issued by an Authority to be pledged as security for funds belonging to the State or any of its political subdivisions or instrumentalities.

was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

Senator deGraffenried requested and received permission to suspend the rules in order to bring up the following Bill, to-wit:

Senator deGraffenried, B. I. R., H. B. 775, adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	Denton	Goodwin	Mitchem	
Bailey	Dixon	Hand	Preuitt	
Bennett	Drinkard	Horn	Rice	
Bishop	Ellis	Langford	Smith (B)	
deGraffenried	Figures	Manley		—18

Nay: Senator Parsons —1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 775. To define certain terms; to make findings; to authorize and set forth the requirements for the creation of county industrial development authorities, the procedure for incorporation, the qualifications, procedure for election, and terms of the officers and Directors of an Authority, the procedure for reincorporating and ratifying the existence of previously organized industrial development authorities and boards, the issuance, sale, and execution of Bonds, the disposition of proceeds from sale of Bonds and refunding Bonds, the making of grants, the amendment of articles of incorporations; to designate certain powers of the Authority; to exempt Authorities, their property and income, from usury and interest laws, taxation, and competitive

bid; to provide limited liability of Authorities, their members, officers, agents, and employees; to provide a procedure for validating Bond issues; to authorize other governmental bodies to appropriate funds and donate property to an Authority; and to make provisions for the dissolution of Authorities and transfer of funds and assets upon dissolution; to permit cities, counties, the State, the teachers' retirement system of Alabama, the employees' retirement system of Alabama, the state insurance fund, and fiduciaries to invest in Bonds issued by an Authority; to permit Bonds issued by an Authority to be pledged as security for funds belonging to the State or any of its political subdivisions or instrumentalities.

was taken up.

On motion of Senator deGraffenried, further consideration of the Bill, H. B. 775, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Bailey requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

Senator Bailey, B. I. R., H. B. 447, adopted.

Yeas 16; Nays 2.

Yeas:

Senators:	Denton	Goodwin	Preuitt	
Bailey	Drinkard	Hand	Rice	
Bennett	Ellis	Horn	Smith (B)	
Bishop	Figures	Manley	Windom	
deGraffenried				—16

Nays:

Senators:	Amari	Corbett	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

H. 447. To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to provide definitions; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material; to define and prohibit the distribution to a minor, the possession with intent to distribute to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is harmful to minors; to provide for misdemeanor and felony criminal penalties; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violation of this Act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of all obscene material and material which is harmful to minors used, intended to be used, or obtained in violation of the provisions of this act; to provide for the forfeiture and disposition of moneys, negotiable instruments, and funds used, intended to be used, or obtained in any violation of the provisions of this act; to provide for the

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forfeiture and disposition of proceeds or receipts derived from property which is subject to forfeiture pursuant to the provisions of this act; to provide for the forfeiture of a money judgement amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975, which pertain to obscene materials displaying or depicting children, shall not be repealed, amended, affected, or limited; to provide that city and county ordinances not in conflict with the provisions of this act shall not be repealed by implication; to exclude certain libraries and employees and agents of such libraries from the criminal penalties of this Act; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Mitchem
Bailey	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Rice
Bennett	Dixon	Horn	Smith (B)
Bishop	Drinkard	Manley	Windom
Corbett	Ellis		

—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 596. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Junior College System by \$382,685.50 for the fiscal year ending September 30, 1989.

Also:

H. 597. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Technical College System by \$639,076 for the fiscal year ending September 30, 1989.

Also:

H. 598. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Financial Assistance to Local Boards by \$2,160,937 for the fiscal year ending September 30, 1989.

Also:

H. 599. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Department of Mental Health and Mental Retardation by \$478,238.50 for the fiscal year ending September 30, 1989.

Also:

H. 600. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Alabama Public Library Service by \$1,475,000 for the fiscal year ending September 30, 1989.

Also:

H. 601. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Council on the Arts by \$500,000 for the fiscal year ending September 30, 1989.

Also:

H. 643. To make appropriations to the following public entities in Alabama for general public educational purposes for the fiscal year ending September 30, 1989. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

Also:

H. 644. To make appropriations to certain county governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

Also:

H. 645. To make appropriations to certain city governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

Also:

H. 646. To make an appropriation for the support and maintenance of Flowers Special School for the fiscal year ending September 30, 1989.

Also:

H. 647. To make an appropriation for the support and maintenance of Valley Haven School for the fiscal year ending September 30, 1989.

Also:

H. 656. To make an appropriation from the State General Fund of \$10,000 to Airport Hills Community for the fiscal year ending September 30, 1989.

Also:

H. 657. To make an appropriation from the State General Fund of \$5,000 to Highland Estates Community for the fiscal year ending September 30, 1989.

Also:

H. 659. To make an appropriation from the State General Fund of \$2,500 to the Alabama Watermelon Association for the fiscal year ending September 30, 1989.

Also:

H. 660. To make an appropriation from the State General Fund to be distributed to certain fire departments for the fiscal year ending September 30, 1989.

Also:

H. 663. To make an appropriation from the State General Fund of \$100,000 to Festival Park, Inc. for the fiscal year ending September 30, 1989.

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Also:

H. 669. To make an appropriation from the State General Fund to the Shelby County Historical Society for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 246. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1990.

Also:

H. 281. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1990.

Also:

H. 642. To amend Act No. 88-953 passed in the 1988 Second Extraordinary Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriations from the State General Fund to the Alabama Development Office, the Alabama Forestry Commission, the Alabama Historical Commission, the Alabama Department of Economic and Community Affairs, the Department of Agriculture and Industries, the Department of Environmental Management, the Highway Department and the Bureau of Tourism and Travel for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 164. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters of the 1989 Regular Session only:

Inst Id

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H. 164

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Youth Legislature, approp.

H. 182	60
League For Advancement of Education, approp.	
H. 188	71
Special Schools, approp.	
H. 193	62
Central Ala Opportunity Industrial Center, approp.	
H. 201	60
Marion Military Institute, approp.	
H. 202	62
Lyman Ward Military Academy, approp.	
H. 203	63
Youth Services Dept., approp.	
H. 204	60
Talladega College, approp.	
H. 205	59
Health Department, approp.	
H. 206	63
Coosa Valley Medical Center School of Nursing, approp.	
H. 207	57
Shakespeare Festival, approp.	
H. 208	57
Space Science Exhibit Commission, approp.	
H. 209	56
Education Department, handicapped services, approp.	
H. 211	58
Kate Duncan Smith D.A.R. School, approp.	
H. 212	58
Children's and Women's Hospital of Mobile, approp.	
H. 213	54
Children's Hospital of Birmingham, approp.	
H. 214	53
Emergency Medical Services, approp.	
H. 215	53
East Alabama Child Development Center, approp.	

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H. 216	54
Humanities Foundation, approp.	
H. 218	55
Camp ASCCA, approp.	
H. 224	23
Child Advocacy Center, approp.	
H. 234	56
Physical Fitness Commission, approp.	
H. 191	121
Tuskegee University, approp.	
H. 220	55
Walker County Junior College, approp.	
On motion of Senator Drinkard, said Resolution was then adopted.	

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 155. COMMENDING DR. FREDERICK P. WHIDDON FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF SOUTH ALABAMA AND AS MOBILIAN OF THE YEAR.

JOHN W. PEMBERTON,
Clerk.

RECESS

At 11:55 A.M., on motion of Senator Rice, the Senate took a recess until 1 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

S. J. R. 155. COMMENDING DR. FREDERICK P. WHIDDON FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF SOUTH ALABAMA AND AS MOBILIAN OF THE YEAR.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

RESOLUTION

Senators Parsons, Bedford, Amari, Windom, Bedsole, Bennett, and deGraffenried requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 165. HONORING HIS EMINENCE ARCHBISHOP IAKOVOS, PRIMATE OF THE GREEK ORTHODOX CHURCH OF NORTH AND SOUTH AMERICA.

WHEREAS, His Eminence Archbishop Iakovos, Primate of the Greek Orthodox Church of North and South America, on April 1, 1989, completed thirty years from the day of his enthronement and, on November 25, 1989, will complete fifty-five years from the date of his Ordination to the Holy Diaconate; and

WHEREAS, in his archpastoral ministry, he has been an admirable role model for American Greek Orthodox Christians, thoroughly committed to the vital democracy of his adopted country without forfeiting the ageless values of Greek culture or abandoning Greek Orthodoxy's spiritual and ecclesiastical roots; and

WHEREAS, he has achieved world recognition as a leader in the modern ecumenical movement for Christian renewal and unity, as the first Greek Orthodox Archbishop to visit the Pope in 350 years, and as President of the World Council of Churches; and

WHEREAS, his moral and religious guidance has inspired many to strive for the attainment of social justice, racial equality, and human rights for all people; and

WHEREAS, Archbishop Iakovos, the dean of American religious leaders, for over three decades has served his Church with extraordinary zeal and dedication, traveling throughout the length and breadth of the Americas, initiating reforms and spreading Orthodoxy; and

WHEREAS, his love for his fellow man has carried him to Vietnam where he gave comfort and solace to our servicemen; and

WHEREAS, more than 550 parishes of the Greek Orthodox Church in the Americas, comprised of several million communicants, are marking the Thirtieth Anniversary of the enthronement of Archbishop Iakovos with a year long celebration of the achievements of Greek Orthodoxy itself in the Western Hemisphere; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby commemorate the Thirtieth Anniversary of His Eminence Archbishop Iakovos, and do further commend His Eminence on the accomplishments and dedication of his archpastoral ministry.

BE IT FURTHER RESOLVED, That the accomplishments of the Greek Orthodox Church in the Americas, as a vital and integral member of the religious community of the United States and the State of Alabama, also are commended and acknowledged.

On motion of Senator Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF S. B. 106

The Senate proceeded to further consideration of the Bill:

S. 106. To provide for the lawful operation of certain coin-operated playing card game vending machines that reward competent play with free games on such machines and to levy and impose a certain privilege tax on certain persons, firms, corporations, associations and copartnerships operating such card game vending machines.

having been postponed on the Twentieth Legislative Day.

And said Bill, S. B. 106, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 9; Nays 8.

Abstaining 1.

Yeas:

Senators:	deGraffenried	Horn	Mitchem	
Bennett	Figures	Langford	Preuitt	
Corbett	Goodwin			—9

Nays:

Senators:	Ellis	Manley	Smith (B)	
Cabaniss	Hand	Rice	Windom	
Denton				—8

Abstaining: Senator Bailey —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Starkey, Marks, Zoghby, and Seibels:

H. 147. This bill amends Sections 11-51-201, 11-51-203, 40-12-4, 40-23-101, 40-23-102, 40-23-104, 40-23-107 and 40-29-115, Code of Alabama 1975 which relates to the collection of certain sales and use taxes, so as to provide that the county tax collector shall collect municipal gross receipts or sales taxes and county sales taxes on sales made by a person or firm other than a licensed dealer of any automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer required to be registered or licensed with the probate judge, authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location; to require the county tax collector to collect the municipal and county use taxes authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location, on sales of the aforesaid vehicles made by dealers doing business outside the state of Alabama and on sales made by licensed Alabama dealers where municipal

and county sales taxes were not collected at the time of purchase; to provide procedures to be used in the collection of said taxes; to provide for the distribution of revenues collected hereunder; to provide for a fee to be paid to the tax collector for such services; and to provide penalties for noncompliance.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 147—to the Committee on Finance and Taxation

RESOLUTIONS

Senator Windom requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 166. PETITIONING THE UNITED STATES CONGRESS TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION TO REGULATE CONGRESSIONAL COMPENSATION AND RATIFYING SUCH PROPOSED AMENDMENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby petitions the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the Alabama Legislature requests the Congress to prepare and submit copies to the several states the following amendment to the Constitution of the United States:

“Article II. No law varying the compensation for the services of United States Senators or Representatives shall take effect, until an election of Representatives shall have intervened.”

BE IT FURTHER RESOLVED, That:

1. The proposed amendment to the Constitution of the United States as herein shown be and the same is herein ratified.

2. Duly authenticated copies of this resolution shall be forwarded by the Secretary of the Senate to the Administrator of General Services, Washington D.C. and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each member of the Alabama Congressional Delegation.

Which was read and referred to the Standing Committee on Rules.

Senator Preuit requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 167. MOURNING THE DEATH OF JACK SEALS OF TALLADEGA, ALABAMA.

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WHEREAS, the Legislature of Alabama grievously records the death of Jack Seals of Talladega, Alabama, on January 12, 1989, at the age of 74 years; and

WHEREAS, a native of Troy, Alabama, and a former resident of Georgia, Mr. Seals was a graduate of Hawkinsville, Georgia, High School and was an alumnus of Mercer University in Macon, Georgia; and

WHEREAS, Mr. Seals, who moved to Talladega during World War II, was a former employee of the Brecon Loading Company, and was an organizer of Coastal States Life, Life of Alabama and the Life of Kentucky insurance companies; and

WHEREAS, he served as County Surplus Commodity Director prior to 1973 when he was named Director of the R.S.V.P. Program and, in this capacity, was instrumental in the establishment of various new programs for Talladega's senior citizens; and

WHEREAS, Jack Seals, however, extended his leadership role and service to encompass many civic, charitable and community activities including the Little League and Babe Ruth League, as well as other youth programs, and was a faithful member of the First Baptist Church where he was involved with singing for church services, weddings and funerals for a number of years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Jack Seals of Talladega, Alabama, and extend sincere and very deepest sympathy to his beloved wife, Mrs. Gertrude Jones Seals; to his daughter, Jackie Cruce, and son, Jack Seals, Jr.; to his five grandchildren and one great-grandson; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Senator Preuitt, the Rules were suspended and the Resolution was adopted by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first of which was the Bill:

S. 547. To expand the enforcement authority of the Medicaid Agency of Alabama to ensure that compliance with nursing home reform provisions of the Omnibus Budget Reconciliation Act of 1987 P. L. 100-203 and any persons protection act by the 1989 Alabama Legislature are met.

The question was on the substitute offered by Senator Parsons, which said substitute is set out in the Journal of the Senate for the Twentieth Legislative Day.

On motion of Senator Amari, said substitute was laid on the table.

Yeas 18; Nays 4.

Yeas:

Senators:	deGraffenried	Figures	Preuitt
Amari	Denton	Goodwin	Rice
Bailey	Dial	Hale	Smith (B)
Bedsole	Dixon	Hand	Smith (J)
Cabaniss	Ellis	Manley	

—18

Nays:

Senators: Corbett Parsons Windom
Bennett

—4

RECESS

At 1:25 P.M., on motion of Senator deGraffenried, the Senate took a recess until completion of the Joint Session.

JOINT SESSION

At 1:30 P.M., in accordance with S. J. R. 98, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of Governor Ray Mabus of the State of Mississippi.

The Session was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, Governor Mabus was escorted to the chair and delivered his message to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, at 2:15 P.M., the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. J. R. 154

The Senate proceeded to further consideration of the Resolution:

S. J. R. 154. DESIGNATING "WORKERS MEMORIAL DAY" IN ALABAMA.

which said Resolution is set out in the Journal of the Senate for the Twentieth Legislative Day.

Senator Bishop requested and received permission to substitute H. J. R. 323 in place of S. J. R. 154.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Buskey (JE), Clark (W), and Kennedy:

H. J. R. 321. COMMENDING THE JOHN L. LeFLORE BASKETBALL TEAM ON THE 1989 STATE CLASS 6A BOYS BASKETBALL CHAMPIONSHIP.

Also:

By Reps. Buskey (JE), Clark (W), and Kennedy:

H. J. R. 322. COMMENDING COACH JOHNNY SHELWOOD OF LeFLORE HIGH SCHOOL, MOBILE, ALABAMA.

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Also:

By Rep. Johnson (RW):

H. J. R. 323. DESIGNATING "WORKERS MEMORIAL DAY" IN ALABAMA.

Also:

By Rep. Blake:

H. J. R. 319. CONGRATULATING THE PELL CITY HIGH SCHOOL LADY PANTHERS ON THEIR OUTSTANDING 1989 BASKETBALL SEASON.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 321, 322, and 319, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

On motion of Senator Bishop, the Rules were suspended and the Resolution, H. J. R. 323, was concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF S. J. R. 154

On motion of Senator Bishop, further consideration of the Resolution, S. J. R. 154, was indefinitely postponed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Knight, Hill, and Holley:

H. J. R. 342. COMMENDING THE UNIVERSITY OF MONTEVALLO MEN'S BASKETBALL TEAM ON THEIR OUTSTANDING ACCOMPLISHMENTS OF THE 1988-89 SEASON.

Also:

By Reps. Moon and Williams:

H. J. R. 343. COMMENDING JOHN MALOY LONG OF TROY STATE UNIVERSITY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Mitchem, the Rules were suspended and the Resolutions, H. J. R.'s 342 and 343, were concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF S. B. 547

The Senate proceeded to further consideration of the Bill, S. B. 547.

Senator Sanders offered the following amendment to the Bill, S. B. 547, to-wit:

AMENDMENT TO S. B. 547

Amend Senate Bill No. 547 Page 1 Line 10, as follows:

insert the word "enforcement" after the word "reform"

Also amend Page 1 line 20 by inserting the word "enforcement" after the word "reform"

Also amend page 2 line 9 by inserting the word enforcement after the word "reform"

RESOLUTIONS

Senator Smith (J) requested and received permission to suspend the Rules in order to offer the following Senate Resolutions, to-wit:

S. R. 168. COMMENDING J. W. HUDSON FOR DISTINGUISHED SERVICE TO LIMESTONE COUNTY.

Also:

S. R. 169. COMMENDING JAMES CRAIG, JR., FOR DISTINGUISHED SERVICE TO LIMESTONE COUNTY.

Also:

S. R. 170. COMMENDING PEGGY MCDANIEL FOR DISTINGUISHED SERVICE TO LIMESTONE COUNTY.

Which were filed.

Senator Campbell requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 171. COMMENDING THE CITIZENS OF LAWRENCE COUNTY, ALABAMA, ON THE SUCCESS OF THEIR ANNUAL LITTERBUSTER CAMPAIGN.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates the citizens of Lawrence County, Alabama, on the outstanding success of their third annual "Litterbuster Campaign" which concluded March 31, 1989; and

WHEREAS, participating in this year's countywide, major clean-up campaign were some 2,000 Lawrence County citizens, including individuals, schools, businesses, churches and other community organizations, whose efforts were coordinated by co-chairmen Bill Borden of Moulton and Allen Graham of the Mountain Home community, along with Don Jones who also provided tireless leadership throughout the campaign and to its successful completion; and

WHEREAS, we further note that Lawrence County, one of 95 National winners in last year's "Take Pride in America" program, was a State winner this year for the second consecutive year; and

WHEREAS, Lawrence County's anti litter campaign is one of the very finest currently in operation and, as a result, has attracted the attention of other counties throughout Alabama, and the United States as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise Bill Borden, Allen Graham, Don Jones and all citizens of Lawrence County, Alabama, on their commendable anti-litter efforts and, most particularly, on the county's annual "Litterbuster Campaign."

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Bill Borden, Allen Graham and Don Jones on behalf of all Lawrence Countians.

On motion of Senator Campbell, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF S. B. 547

The Senate proceeded to further consideration of the Bill, S. B. 547. The question was on the amendment offered by Senator Sanders.

And said amendment was then adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Campbell	Hale	Parsons
Amari	Corbett	Hand	Preuitt
Bailey	deGraffenried	Hilliard	Rice
Barron	Dixon	Horn	Sanders
Bedsole	Ellis	Langford	Smith (B)
Bennett	Figures	Manley	Smith (J)
Bishop	Foshee	Mitchem	Windom
Cabaniss	Goodwin		

—29

Nays: —0

And said Bill, S. B. 547, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 30; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Amari	Covington	Goodwin	Mitchem
Bailey	deGraffenried	Hale	Parsons
Barron	Denton	Hand	Rice
Bedford	Dial	Hilliard	Sanders
Bedsole	Dixon	Holmes	Smith (B)
Bishop	Ellis	Horn	Windom
Cabaniss	Figures	Langford	

—30

Nays: —0

FURTHER CONSIDERATION OF H. B. 775

The Senate proceeded to further consideration of the Bill, H. B. 775.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 694. To authorize the governing body of the City of Decatur, in Morgan County, Alabama, to establish a Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within the City of Decatur, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto, and to provide for appeals and other judicial processes.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 721. To amend Act No. 929, 1951, Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended which created a retirement and relief system for officers and employees of the City of Birmingham, so as to provide further for participant and city contributions, for benefit increases, and for related matters.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 148. MOURNING THE DEATH OF MRS. MARY FRANK SLEDGE OF MOBILE, ALABAMA.

Also:

S. J. R. 149. MOURNING THE UNTIMELY DEATH OF MRS. MARY HOWARD.

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Also:

S. J. R. 163. HONORING MILES COLLEGE SCHOOL OF LAW IN
BIRMINGHAM, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 775

The Senate proceeded to further consideration of the Bill, H. B. 775

And said Bill, H. B. 775, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford
Amari	Corbett	Foshee	Manley
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Rice
Bedsole	Dial	Holmes	Smith (B)
Bennett	Dixon	Horn	Windom
Bishop	Ellis		

—25

Nays:

—0

FURTHER CONSIDERATION OF S. B. 32

The Senate proceeded to further consideration of the Bill:

S. 32. Proposing an amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection and assessment programs to be repealed, replaced or superceded; all depending upon ratification by the voters of this amendment.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 474. To amend Sections 40-2-12, 40-2-13 and 40-2-14 of the Code of Alabama 1975, so as to allow the department of revenue to store data on electronic media and computer output microfilm and, after validation of accuracy, to destroy the original documents; to allow data stored electronically to be admitted in evidence in all courts.

JOHN W. PEMBERTON,
Clerk.

MOTION TO ADJOURN

Senator Bishop moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, April 25, 1989, at 2 o'clock P.M., which motion was adopted.

FURTHER CONSIDERATION OF S. B. 32

The Senate proceeded to further consideration of the Bill, S. B. 32.

And said Bill, S. B. 32, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 21; Nays 4.

Yeas:

Senators:	Covington	Hale	Mitchem	
Bailey	deGraffenried	Hand	Preuitt	
Barron	Dial	Holmes	Smith (B)	
Bedsole	Dixon	Horn	Smith (J)	
Bennett	Drinkard	Manley	Windom	
Cabaniss	Goodwin			—21

Nays:

Senators:	Bishop	Corbett	Ellis	
Amari				—4

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

S. J. R. 148. MOURNING THE DEATH OF MRS. MAY FRANK SLEDGE OF MOBILE, ALABAMA.

Also:

S. J. R. 149. MOURNING THE UNTIMELY DEATH OF MRS. MARY HOWARD.

Also:

S. J. R. 163. HONORING MILES COLLEGE SCHOOL OF LAW IN BIRMINGHAM, ALABAMA.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 547. To expand the enforcement authority of the Medicaid Agency of Alabama to ensure that compliance with nursing home reform enforcement provisions of the Omnibus Budget Reconciliation Act of 1987 P. L. 100-203 and any persons protection act by the 1989 Alabama Legislature are met.

BILL DRINKARD,
Chairperson.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the second item of which was the Bill:

S. 28. To create and establish the "Alabama Convention Facilities Act"; to authorize the legislature to appropriate certain sums from the state sales tax proceeds and the state transient occupancy tax proceeds to the cities and counties building eligible facilities in order to assist in the payment of the debt service on bonds issued in connection with such facilities; to define the powers and responsibilities of the Director of Finance, the State Treasurer, and the cities and counties; to authorize payments, based on legislative appropriations; and to establish the "Convention Facilities Fund."

MOTION TO ADJOURN LOST

At 4:35 P.M., Senator Parsons moved that the Senate adjourn, which motion was lost.

Yeas 7; Nays 21.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Campbell	Ellis	Langford	Parsons	—7

Nays:

Senators:	Cabaniss	Figures	Preuitt	
Amari	Corbett	Hale	Sanders	
Bailey	deGraffenried	Hand	Smith (B)	
Bedsale	Dial	Holmes	Smith (J)	
Bennett	Dixon	Horn	Windom	
Bishop	Drinkard			—21

FURTHER CONSIDERATION OF S. B. 28

The Senate proceeded to further consideration of the Bill, S. B. 28.

Senator Figures offered the following substitute for the Bill, S. B. 28, to-wit:

SUBSTITUTE FOR S. B. 28

**A BILL
TO BE ENTITLED
AN ACT**

To create and establish the "Alabama Convention Facilities Act"; to authorize the legislature to appropriate certain sums from the state sales tax

proceeds and the state transient occupancy tax proceeds to the cities and counties building eligible facilities in order to assist in the payment of the debt service on bonds issued in connection with such facilities; to define the powers and responsibilities of the Director of Finance, the State Treasurer, and the cities and counties; to authorize payments, based on legislative appropriations; and to establish the "Convention Facilities Fund."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act may be cited as the "Alabama Convention Facilities Act."

Section 2. The legislature hereby finds and determines that:

(a) The convention industry is a vital and beneficial industry for the State of Alabama and promotes the health, welfare, progress and physical and economic well-being of the people of this state.

(b) Adequate facilities are essential to the proper development of the meeting and entertainment industries. Adequate convention facilities are often not self-supporting so as to permit their financing with revenue bonds, but generate economic activity and stimulate business and commerce in the affected locality, and throughout the state, through increased demand for goods and services furnished by restaurants, hotels, places of entertainment as well as stores, shops and other establishments, and, as a consequence, they generate additional state and local tax revenues.

(c) It is in the interest of the state and its cities and counties, for the state to assist any city, county and entities or authorities thereof in financing convention facilities by remitting to the city, county or entities or authorities thereof a portion of the additional state sales tax revenues and state transient occupancy tax proceeds paid by delegates.

Section 3. As used in this act, the following words and phrases shall have the following meanings respectively ascribed to them unless the context clearly indicates otherwise:

(a) "Bonds" means either general obligation bonds, limited obligation, or revenue bonds, or a combination thereof, issued after the effective date of this act by a city, county or entities or authorities thereof in connection with the financing, in whole or in part, of eligible facilities. The term "bonds" shall also refer to any bonds, warrants, or other certificates of indebtedness authorized under the laws of the State of Alabama.

(b) "City" means any city in this state.

(c) "County" means any county in this state.

(d) "Authority" means any authority created pursuant to Act No. 547, H. 1176, 1965 Regular Session.

(e) "Delegate" means a person attending a national or regional convention or meeting in this state.

(f) "Eligible facilities" means any convention facilities owned by a city, county or entities or authorities thereof in which the bonds for the facilities are issued after the effective date hereof, or such facilities for which the construction, or substantial expansion, reconstruction, or renovation is completed after the effective date of this act.

(g) "Estimated investment multiplier" means the number of times initial expenditures by delegates will be respent on additional goods and services in this state, as determined in Section 4, paragraph (h) of this act.

(h) "National or regional meeting" means a meeting, convention, show or other function which is intended primarily for delegates from outside the state. For a meeting to qualify as a regional meeting, it must meet the criteria as determined for regional or national meetings by the International Association of Convention and Visitor Bureaus or as set by the State Director of Finance.

(i) "Revenue bonds" means bonds issued by a city, county or authority which are limited or special, rather than general obligations of the issuer and which are not payable from the proceeds for an ad valorem tax.

(j) "State assistance payments" means payments to a city, county or entities or authorities thereof, under this act.

(k) "Convention facilities" means any property, real, personal or mixed, which is necessary or desirable in connection with a convention or meeting center, or similar facility, including without limitation, auditoriums, exhibition halls, facilities for food preparation and serving, parking facilities, and administrative offices in connection therewith.

(l) "State sales tax" means the tax levied and collected pursuant to Section 40-23-2, Code of Alabama 1975.

(m) "State lodging tax" or "state transient occupancy tax" means the tax levied and collected pursuant to Section 40-26-1, Code of Alabama 1975.

Section 4. (a) Any city, county or entities or authorities thereof may apply to the State Director of Finance for state assistance payments for any eligible facilities. The city, county or entities or authorities thereof shall file an initial application with the Director of Finance, which shall be in writing and shall describe: (i) the eligible facilities; (ii) the need for said facilities or the benefit therefrom; and (iii) the financing thereof, including the principal and interest payments for the bonds.

(b) The Director of Finance shall promptly review such initial application and shall notify the applicant of any additional information that may be necessary.

(c) After reviewing the initial application and upon reasonable notice to the applicant, the Director of Finance shall hold a public hearing on the application and maintain an official record of such hearing. He shall give notice of the time, place and purpose of the public hearing by publication one (1) time in a newspaper of general circulation within the boundaries of the applicant, not less than ten (10) days prior to the hearing.

(d) Within ninety (90) days after such public hearing, the Director of Finance shall: (i) determine whether the facilities described in the initial application are eligible facilities; (ii) notify the applicant of its determination; and (iii) if said facilities are determined to be eligible, approve such application and immediately certify the same to the Governor and Joint Legislative Council of the Alabama Legislature.

(e) After the initial application has been approved, the city, county or entities or authorities thereof must establish a base number of convention delegates which shall be computed by taking an annual average number of convention delegates attending national and regional meetings in said city,

county or the entity's or authority's region over the previous five-year period. For purposes of determining such base number, each county, city or entity or authority thereof is hereby authorized to require each hotel or motel to report quarterly to it the total number of convention delegates in attendance for any national or regional convention or meeting which utilizes 50 or more room nights per meeting. The city, county or entity or authority thereof shall then file an annual application with the Director of Finance, which shall estimate: (i) the number of additional delegates, over and above the base average number, who will patronize the eligible facilities during the year; (ii) their estimated expenditures; (iii) the estimated additional state sales and lodging tax revenues to be derived as a result of the expenditures (taking into consideration the investment multiplier); (iv) the expected additional expense, if any, to the state; and (v) any other matters prescribed by the Director of Finance. The descriptions required by (i), (ii), and (iii) shall be supported by statistical surveys satisfactory to the Director of Finance.

(f) The Director of Finance shall review all such annual applications, determine the amount of state assistance payments that would be required under such estimates, as determined in Section 4, paragraph (i) herein, and shall include in the proposed budget to the Governor, a line item appropriation in such amount, and certify such amount to the state legislature; provided, however, that in no fiscal year shall the entire amount budgeted for all eligible facilities exceed three million dollars (\$3,000,000).

(g) The legislature shall appropriate annually such amount as it deems necessary and desirable to satisfy all such projected state assistance payments for the next fiscal year. For each such annual appropriation, the entire amount shall be distributed from the net proceeds of the state transient occupancy tax to the extent additional revenue has been generated therefor as determined in Section 4, paragraph h above, the provisions of Section 40-6-20, Code of Alabama 1975, to the contrary notwithstanding. To the extent such additional state transient occupancy tax revenue is insufficient to meet each such annual appropriation, the remaining amount shall be distributed from the net proceeds of the state sales tax levied pursuant to Section 40-23-2, Code of Alabama 1975, the provisions of Section 40-23-35, Code of Alabama 1975, to the contrary notwithstanding, provided, however, that the amount, if any, distributed from the net proceeds of the state sales tax shall never exceed fifty percent (50%) of the total amount appropriated in any given year to the Convention Facilities Fund. In the first full fiscal year after the effective date of this act, this amount shall not exceed \$500,000; in the second fiscal year after the effective date of this act, this amount shall not exceed \$1,000,000; in the third fiscal year after the effective date of this act, this amount shall not exceed \$2,000,000; in the fourth fiscal year after the effective date of this act, this amount shall not exceed \$3,000,000; and in no subsequent fiscal year shall the amount budgeted ever exceed \$3,000,000. Such amounts shall be credited to the Convention Facilities Fund established pursuant to Section 5 of this act.

(h) Each city, county or entity or authority thereof that has filed an annual application for assistance payments for the current fiscal year shall file a request for state assistance payments with the State Department of Finance within 30 days after the end of each quarter during said fiscal year. The quarterly request shall include the actual number of delegates that patronized eligible facilities during the preceding quarter, the average number of days attendance for such delegates, and signed documentation from an executive of each group or association attesting to the number of delegates

and the average number of days attendance. The quarterly request shall also include the delegates' average expenditures, the delegates' total estimated expenditures, taking into consideration the investment multiplier, the total estimated additional state sales and occupancy tax revenues generated and the amount of state assistance payments requested by the city, county or entity or authority thereof for such quarter. The investment multiplier for each city, county or entity or authority thereof shall be determined by the Director of Finance with due consideration given to the opinion of the International Association of Convention and Visitor Bureau as to what the investment multiplier should be for such city, county or entity or authority thereof. The investment multiplier, as determined by the Director of Finance, shall be not greater than five (5).

(i) The amount of any state assistance payments to which each city, county or entity or authority thereof having filled an annual application hereunder shall be entitled, shall be an amount equal to two-third (2/3) of the total sum of additional state sales tax revenues and state transient occupancy tax revenue, if any, generated in connection with such city, county or entity's or authority's eligible facility for the preceding quarter, as determined in Section 4, paragraph (h) above. The maximum amount of any city, county or entity's or authority's state assistance payments for any quarter shall be limited to fifty percent (50%) of the bond debt service requirements, including principal and interest, for the quarter for which such state assistance payments have been requested.

(j) In any fiscal year in which approved state assistance payments exceed the maximum allowed under Section 5(g), all participating cities, counties and entities or authorities thereof shall receive a pro rata share of the amount they would be due to receive otherwise hereunder. In the event state assistance payments are set aside in the Convention Facilities Fund and are unclaimed at the end of the fiscal year, such remaining funds shall revert to the fund to which the taxes would have otherwise been originally deposited.

Section 5. (a) There is hereby established in the State General Fund a fund to be known as the Convention Facilities Fund.

(b) State assistance payments authorized by this act shall be made to the participating city, county or entity or authority thereof by the State Comptroller within 30 days after the Director of Finance approves said city, county or entity or authority quarterly request.

Section 6. State assistance payments to cities, counties, and entities or authorities thereof, authorized by this act, shall be terminated when the bonds issued to finance said city, county or entity's or authority's eligible facilities are fully retired or when, in the instance the bonds are refinanced, at the date the original issue of such bonds would have reached its final maturity. Any monies then held by the cities or counties or entities or authorities thereof, derived from state assistance payments, shall be returned to the state and deposited into the account in the state treasury to which such funds would have otherwise originally been deposited.

Section 7. Nothing in this act shall be construed as authorizing the pledging of the faith and credit of the State of Alabama or any of its revenues, either for the performance of the obligations of the state under this act or for the payment of any bonds. Nothing herein, or in any agreement entered into pursuant to this act, shall be construed to require the legislature to make any appropriation pursuant to this act. It is the intent of the Legislature that any appropriation made pursuant to this act shall only be made from

additional state sales and lodging tax generated by eligible convention facilities as provided herein and that nothing herein, or in any agreement entered into pursuant to this act, shall be construed to un earmark any funds currently being collected and deposited in the Alabama Special Educational Trust Fund or the General Fund pursuant to Sections 40-23-35 and 40-26-20, Code of Alabama 1975.

Section 8. The payments provided for in this act shall apply only to debt service incurred pursuant to the provisions of this act. No payments or credits shall be allowed for any past debt service payments nor for any debt service payments beyond the date of the final interest and principal payment of the original issue of such bonds. Nothing herein shall restrict any city or county or entities or authorities thereof from refunding or refinancing such bonds within the original maturity schedule to take advantage of savings arising from such refunding or refinancing.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Holmes offered the following substitute for the Figures substitute for the Bill, S. B. 28, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR S. B. 28

A BILL TO BE ENTITLED AN ACT

To create and establish the "Alabama Convention Facilities Act"; to authorize the legislature to appropriate certain sums from the state transient occupancy tax proceeds to the cities and counties building eligible facilities in order to assist in the payment of the debt service on bonds issued in connection with such facilities; to define the powers and responsibilities of the Director of Finance, the State Treasurer, and the cities and counties; to authorize payments, based on legislative appropriations; and to establish the "Convention Facilities Fund."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act may be cited as the "Alabama Convention Facilities Act."

Section 2. The legislature hereby finds and determines that:

(a) The convention industry is a vital and beneficial industry for the State of Alabama and promotes the health, welfare, progress and physical and economic well-being of the people of this state.

(b) Adequate facilities are essential to the proper development of the meeting and entertainment industries. Adequate convention facilities are often not self-supporting so as to permit their financing with revenue bonds, but generate economic activity and stimulate business and commerce in the affected locality, and throughout the state, through increased demand for

goods and services furnished by restaurants, hotels, places of entertainment as well as stores, shops and other establishments, and, as a consequence, they generate additional state and local tax revenues.

(c) It is in the interest of the state and its cities and counties, for the state to assist any city, county and entities or authorities thereof in financing convention facilities by remitting to the city, county or entities or authorities thereof a portion of the additional state transient occupancy tax proceeds paid by delegates.

Section 3. As used in this act, the following words and phrases shall have the following meanings respectively ascribed to them unless the context clearly indicates otherwise:

(a) "Bonds" means either general obligation bonds, limited obligation, or revenue bonds, or a combination thereof, issued after the effective date of this act by a city, county or entities or authorities thereof in connection with the financing, in whole or in part, of eligible facilities. The term "bonds" shall also refer to any bonds, warrants, or other certificates of indebtedness authorized under the laws of the State of Alabama.

(b) "City" means any city in this state.

(c) "County" means any county in this state.

(d) "Authority" means any authority created pursuant to Act No. 547, H. 1176, 1965 Regular Session.

(e) "Delegate" means a person attending a national or regional convention or meeting in this state.

(f) "Eligible facilities" means any convention facilities owned by a city, county or entities or authorities thereof in which the bonds for the facilities are issued after the effective date hereof, or such facilities for which the construction, or substantial expansion, reconstruction, or renovation is completed after the effective date of this act.

(g) "Estimated investment multiplier" means the number of times initial expenditures by delegates will be respent on additional goods and services in this state, as determined in Section 4, paragraph (h) of this act.

(h) "National or regional meeting" means a meeting, convention, show or other function which is intended primarily for delegates from outside the state. For a meeting to qualify as a regional or national meeting, it must meet the criteria as determined for regional or national meetings by the International Association of Convention and Visitor Bureaus or as set by the State Director of Finance.

(i) "Revenue bonds" means bonds issued by a city, county or authority which are limited or special, rather than general obligations of the issuer and which are not payable from the proceeds of an ad valorem tax.

(j) "State assistance payments" means payments to a city, county or entities or authorities thereof, under this act.

(k) "Convention facilities" means any property, real, personal or mixed, which is necessary or desirable in connection with a convention or meeting center, or similar facility, including without limitation, auditoriums, exhibition halls, facilities for food preparation and serving, parking facilities, and administrative offices in connection therewith.

(l) "State lodging tax" or "state transient occupancy tax" means the tax levied and collected pursuant to Section 40-26-1, Code of Alabama 1975.

Section 4. (a) Any city, county or entities or authorities thereof may apply to the State Director of Finance for state assistance payments for any eligible facilities. The city, county or entities or authorities thereof shall file an initial application with the Director of Finance, which shall be in writing and shall describe: (i) the eligible facilities; (ii) the need for said facilities or the benefit therefrom; and (iii) the financing thereof, including the principal and interest payments for the bonds.

(b) The Director of Finance shall promptly review such initial application and shall notify the applicant of any additional information that may be necessary.

(c) After reviewing the initial application and upon reasonable notice to the applicant, the Director of Finance shall hold a public hearing on the application and maintain an official record of such hearing. He shall give notice of the time, place and purpose of the public hearing by publication one (1) time in a newspaper of general circulation within the boundaries of the applicant, not less than ten (10) days prior to the hearing.

(d) Within ninety (90) days after such public hearing, the Director of Finance shall: (i) determine whether the facilities described in the initial application are eligible facilities; (ii) notify the applicant of its determination; and (iii) if said facilities are determined to be eligible, approve such application and immediately certify the same to the Governor and Joint Legislative Council of the Alabama Legislature.

(e) After the initial application has been approved, the city, county or entities or authorities thereof must establish a base number of convention delegates which shall be computed by taking an annual average number of convention delegates attending national and regional meetings in said city, county or the entity's or authority's region over the previous five-year period. For purposes of determining such base number, each county, city or entity or authority thereof is hereby authorized to require each hotel or motel to report quarterly to it the total number of convention delegates in attendance for any national or regional convention or meeting which utilizes 50 or more room nights per meeting. The city, county or entity or authority thereof shall then file an annual application with the Director of Finance, which shall estimate: (i) the number of additional delegates, over an above the base average number, who will patronize the eligible facilities during the year; (ii) their estimated expenditures; (iii) the estimated additional lodging tax revenues to be derived as a result of the expenditures (taking into consideration the investment multiplier); (iv) the expected additional expense, if any, to the state; and (v) any other matters prescribed by the Director of Finance. The descriptions required by (i), (ii), and (iii) shall be supported by statistical surveys satisfactory to the Director of Finance.

(f) The Director of Finance shall review all such annual applications, determine the amount of state assistance payments that would be required under such estimates, as determined in Section 4, paragraph (i) herein, and shall include in the proposed budget to the Governor, a line item appropriation in such amount, and certify such amount to the state legislature; provided, however, that in no fiscal year shall the entire amount budgeted for all eligible facilities exceed three million dollars (\$3,000,000).

(g) From the net proceeds of the state transient occupancy tax proceeds levied pursuant to Section 40-26-1, Code of Alabama 1975, the legislature

shall appropriate annually such amount as it deems necessary and desirable to satisfy all such projected state assistance payments for the year. In the first full fiscal year after the effective date of this act, this amount shall not exceed \$500,000; in the second fiscal year after the effective date of this act, this amount shall not exceed \$1,000,000; in the third fiscal year after the effective date of this act, this amount shall not exceed \$2,000,000; in the fourth fiscal year after the effective date of this act, this amount shall not exceed \$3,000,000; and in no subsequent fiscal year shall the amount budgeted ever exceed \$3,000,000. Such amounts shall be credited to the Convention Facilities Fund established pursuant to Section 5 of this act.

(h) Each city, county or entity or authority thereof that has filed an annual application for assistance payments for the current fiscal year shall file a request for state assistance payments with the State Department of Finance within 30 days after the end of each quarter during said fiscal year. The quarterly request shall include the actual number of delegates that patronized eligible facilities during the preceding quarter, the average number of days attendance for such delegates, and signed documentation from an executive of each group or association attesting to the number of delegates and the average number of days attendance. The quarterly request shall also include the delegates' average expenditures, the delegates' total estimated expenditures, taking into consideration the investment multiplier, the total estimated additional occupancy tax revenues generated and the amount of state assistance payments requested by the city, county or entity or authority thereof for such quarter. The investment multiplier for each city, county or entity or authority thereof shall be determined by the Director of Finance with due consideration given to the opinion of the International Association of Convention and Visitor Bureau as to what the investment multiplier should be for such city, county or entity or authority thereof. The investment multiplier, as determined by the Director of Finance, shall be not greater than five (5).

(i) The amount of any state assistance payments to which each city, county or entity or authority thereof having filed an annual application hereunder shall be entitled, shall be two-thirds ($\frac{2}{3}$) of the additional state transient occupancy tax revenue, if any, generated in connection with such city, county or entity's or authority's eligible facility for the preceding quarter, as determined in Section 4, paragraph (h) above. The maximum amount of any city, county or entity's or authority's state assistance payments for any quarter shall be limited to fifty percent (50%) of the bond debt service requirements, including principal and interest for the quarter for which such state assistance payments have been requested.

(j) In any fiscal year in which approved state assistance payments exceed the maximum allowed under Section 5(g), all participating cities, counties and entities or authorities thereof shall receive a pro rata share of the amount they would be due to receive otherwise hereunder. In the event state assistance payments are set aside in the Convention Facilities Fund and are unclaimed at the end of the fiscal year, such remaining funds shall revert to the fund to which the taxes would have otherwise been originally deposited.

Section 5. (a) There is hereby established in the State General Fund a fund to be known as the Convention Facilities Fund.

(b) State assistance payments authorized by this act shall be made to the participating city, county or entity or authority thereof by the State Comptroller within 30 days after the Director of Finance approves said city, county or entity or authority quarterly request.

Section 6. State assistance payments to cities, counties, and entities or authorities thereof, authorized by this act, shall be terminated when the bonds issued to finance said city, county or entity's or authority's eligible facilities are fully retired or when, in the instance the bonds are refinanced, at the date the original issue of such bonds would have reached its final maturity. Any monies then held by the cities or counties or entities or authorities thereof, derived from state assistance payments, shall be returned to the state and deposited into the account in the state treasury to which such funds would have otherwise originally been deposited.

Section 7. Nothing in this act shall be construed as authorizing the pledging of the faith and credit of the State of Alabama or any of its revenues, either for the performance of the obligations of the state under this act or for the payment of any bonds. Nothing herein, or in any agreement entered into pursuant to this act, shall be construed to require the legislature to make any appropriation pursuant to this act.

Section 8. The payments provided for in this act shall apply only to debt service incurred pursuant to the provisions of this act. No payments or credits shall be allowed for any past debt service payments nor for any debt service payments beyond the date of the final interest and principal payment of the original issue of such bonds. Nothing herein shall restrict any city or county or entities or authorities thereof from refunding or refinancing such bonds within the original maturity schedule to take advantage of savings arising from such refunding or refinancing.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was lost.

Yeas 12; Nays 13.

Yeas:

Senators:	Corbett	Hale	Manley	
Barron	Drinkard	Holmes	Parsons	
Bennett	Ellis	Langford	Smith (B)	
Campbell				—12

Nays:

Senators:	Cabaniss	Figures	Sanders	
Bailey	Covington	Hand	Smith (J)	
Bedsole	deGraffenried	Preuitt	Windom	
Bishop	Dixon			—13

Senators Langford and Holmes offered the following substitute for the Figures substitute for the Bill, S. B. 28, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR S. B. 28

A BILL TO BE ENTITLED AN ACT

To create and establish the "Alabama Convention Facilities Act"; to authorize the legislature to appropriate certain sums from the state transient

occupancy tax proceeds to the cities and counties building eligible facilities in order to assist in the payment of the debt service on bonds issued in connection with such facilities; to define the powers and responsibilities of the Director of Finance, the State Treasurer, and the cities and counties; to authorize payments, based on legislative appropriations; and to establish the "Convention Facilities Fund."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act may be cited as the "Alabama Convention Facilities Act."

Section 2. The legislature hereby finds and determines that:

(a) The convention industry is a vital and beneficial industry for the State of Alabama and promotes the health, welfare, progress and physical and economic well-being of the people of this state.

(b) Adequate facilities are essential to the proper development of the meeting and entertainment industries. Adequate convention facilities are often not self-supporting so as to permit their financing with revenue bonds, but generate economic activity and stimulate business and commerce in the affected locality, and throughout the state, through increased demand for goods and services furnished by restaurants, hotels, places of entertainment as well as stores, shops and other establishments, and, as a consequence, they generate additional state and local tax revenues.

(c) It is in the interest of the state and its cities and counties, for the state to assist any city, county and entities or authorities thereof in financing convention facilities by remitting to the city, county or entities or authorities thereof a portion of the additional state transient occupancy tax proceeds paid by delegates.

Section 3. As used in this act, the following words and phrases shall have the following meanings respectively ascribed to them unless the context clearly indicates otherwise:

(a) "Bonds" means either general obligation bonds, limited obligation, or revenue bonds, or a combination thereof, issued after the effective date of this act by a city, county or entities or authorities thereof in connection with the financing, in whole or in part, of eligible facilities. The term "bonds" shall also refer to any bonds, warrants, or other certificates of indebtedness authorized under the laws of the State of Alabama.

(b) "City" means any city in this state.

(c) "County" means any county in this state.

(d) "Authority" means any authority created pursuant to Act No. 547, H. 1176, 1965 Regular Session.

(e) "Delegate" means a person attending a national or regional convention or meeting in this state.

(f) "Eligible facilities" means any convention facilities owned by a city, county or entities or authorities thereof in which the bonds for the facilities are issued after the effective date hereof, or such facilities for which the construction, or substantial expansion, reconstruction, or renovation is completed after the effective date of this act.

(g) "Estimated investment multiplier" means the number of times initial expenditures by delegates will be respent on additional goods and services in this state, as determined in Section 4, paragraph (h) of this act.

(h) "National or regional meeting" means a meeting, convention, show or other function which is intended primarily for delegates from outside the state. For a meeting to qualify as a regional or national meeting, it must meet the criteria as determined for regional or national meetings by the International Association of Convention and Visitor Bureaus or as set by the State Director of Finance.

(i) "Revenue bonds" means bonds issued by a city, county or authority which are limited or special, rather than general obligations of the issuer and which are not payable from the proceeds of an ad valorem tax.

(j) "State assistance payments" means payments to a city, county or entities or authorities thereof, under this act.

(k) "Convention facilities" means any property, real, personal or mixed, which is necessary or desirable in connection with a convention or meeting center, or similar facility, including without limitation, auditoriums, exhibition halls, facilities for food preparation and serving, parking facilities, and administrative offices in connection therewith.

(l) "State lodging tax" or "state transient occupancy tax" means the tax levied and collected pursuant to Section 40-26-1, Code of Alabama 1975.

Section 4. (a) Any city, county or entities or authorities thereof may apply to the State Director of Finance for state assistance payments for any eligible facilities. The city, county or entities or authorities thereof shall file an initial application with the Director of Finance, which shall be in writing and shall describe: (i) the eligible facilities; (ii) the need for said facilities or the benefit therefrom; and (iii) the financing thereof, including the principal and interest payments for the bonds.

(b) The Director of Finance shall promptly review such initial application and shall notify the applicant of any additional information that may be necessary.

(c) After reviewing the initial application and upon reasonable notice to the applicant, the Director of Finance shall hold a public hearing on the application and maintain an official record of such hearing. He shall give notice of the time, place and purpose of the public hearing by publication one (1) time in a newspaper of general circulation within the boundaries of the applicant, not less than ten (10) days prior to the hearing.

(d) Within ninety (90) days after such public hearing, the Director of Finance shall: (i) determine whether the facilities described in the initial application are eligible facilities; (ii) notify the applicant of its determination; and (iii) if said facilities are determined to be eligible, approve such application and immediately certify the same to the Governor and Joint Legislative Council of the Alabama Legislature.

(e) After the initial application has been approved, the city, county or entities or authorities thereof must establish a base number of convention delegates which shall be computed by taking an annual average number of convention delegates attending national and regional meetings in said city, county or the entity's or authority's region over the previous five-year period. For purposes of determining such base number, each county, city or entity

or authority thereof is hereby authorized to require each hotel or motel to report quarterly to it the total number of convention delegates in attendance for any national or regional convention or meeting which utilizes 50 or more room nights per meeting. The city, county or entity or authority thereof shall then file an annual application with the Director of Finance, which shall estimate: (i) the number of additional delegates, over an above the base average number, who will patronize the eligible facilities during the year; (ii) their estimated expenditures; (iii) the estimated additional lodging tax revenues to be derived as a result of the expenditures (taking into consideration the investment multiplier); (iv) the expected additional expense, if any, to the state; and (v) any other matters prescribed by the Director of Finance. The descriptions required by (i), (ii), and (iii) shall be supported by statistical surveys satisfactory to the Director of Finance.

(f) The Director of Finance shall review all such annual applications, determine the amount of state assistance payments that would be required under such estimates, as determined in Section 4, paragraph (i) herein, and shall include in the proposed budget to the Governor, a line item appropriation in such amount, and certify such amount to the state legislature; provided, however, that in no fiscal year shall the entire amount budgeted for all eligible facilities exceed three million dollars (\$3,000,000).

(g) From the net proceeds of the state transient occupancy tax proceeds levied pursuant to Section 40-26-1, Code of Alabama 1975, the legislature shall appropriate annually such amount as it deems necessary and desirable to satisfy all such projected state assistance payments for the year. In the first full fiscal year after the effective date of this act, this amount shall not exceed \$500,000; in the second fiscal year after the effective date of this act, this amount shall not exceed \$1,000,000; in the third fiscal year after the effective date of this act, this amount shall not exceed \$2,000,000; in the fourth fiscal year after the effective date of this act, this amount shall not exceed \$2,999,000; and in no subsequent fiscal year shall the amount budgeted ever exceed \$2,999,000. Such amounts shall be credited to the Convention Facilities Fund established pursuant to Section 5 of this act.

(h) Each city, county or entity or authority thereof that has filed an annual application for assistance payments for the current fiscal year shall file a request for state assistance payments with the State Department of Finance within 30 days after the end of quarter during said fiscal year. The quarterly request shall include the actual number of delegates that patronized eligible facilities during the preceding quarter, the average number of days attendance for such delegates, and signed documentation from an executive of each group or association attesting to the number of delegates and the average number of days attendance. The quarterly request shall also include the delegates' average expenditures, the delegates' total estimated expenditures, taking into consideration the investment multiplier, the total estimated additional occupancy tax revenues generated and the amount of state assistance payments requested by the city, county or entity or authority thereof for such quarter. The investment multiplier for each city, county or entity or authority thereof shall be determined by the Director of Finance with due consideration given to the opinion of the International Association of Convention and Visitor Bureau as to what the investment multiplier should be for such city, county or entity or authority thereof. The investment multiplier, as determined by the Director of Finance, shall be not greater than five (5).

(i) The amount of any state assistance payments to which each city, county or entity or authority thereof having filed an annual application

hereunder shall be entitled, shall be two-thirds (2/3) of the additional state transient occupancy tax revenue, if any, generated in connection with such city, county or entity's or authority's eligible facility for the preceding quarter, as determined in Section 4, paragraph (h) above. The maximum amount of any city, county or entity's or authority's state assistance payments for any quarter shall be limited to fifty percent (50%) of the bond debt service requirements, including principal and interest, for the quarter for which such state assistance payments have been requested.

(j) In any fiscal year in which approved state assistance payments exceed the maximum allowed under Section 5(g), all participating cities, counties and entities or authorities thereof shall receive a pro rata share of the amount they would be due to receive otherwise hereunder. In the event state assistance payments are set aside in the Convention Facilities Fund and are unclaimed at the end of the fiscal year, such remaining funds shall revert to the fund to which the taxes would have otherwise been originally deposited.

Section 5. (a) There is hereby established in the State General Fund a fund to be known as the Convention Facilities Fund.

(b) State assistance payments authorized by this act shall be made to the participating city, county or entity or authority thereof by the State Comptroller within 30 days after the Director of Finance approves said city, county or entity or authority quarterly request.

Section 6. State assistance payments to cities, counties, and entities or authorities thereof, authorized by this act, shall be terminated when the bonds issued to finance said city, county or entity's or authority's eligible facilities are fully retired or when, in the instance the bonds are refinanced, at the date the original issue of such bonds would have reached its final maturity. Any monies then held by the cities or counties or entities or authorities thereof, derived from state assistance payments, shall be returned to the state and deposited into the account in the state treasury to which such funds would have otherwise originally been deposited.

Section 7. Nothing in this act shall be construed as authorizing the pledging of the faith and credit of the State of Alabama or any of its revenues, either for the performances of the obligations of the state under this act or for the payment of any bonds. Nothing herein, or in any agreement entered into pursuant to this act, shall be construed to require the legislature to make any appropriation pursuant to this act.

Section 8. The payments provided for in this act shall apply only to debt service incurred pursuant to the provisions of this act. No payments or credits shall be allowed for any past debt service payments nor for any debt service payment beyond the date of the final interest and principal payment of the original issue of such bonds. Nothing herein shall restrict any city or county or entities or authorities thereof from refunding or refinancing such bonds within the original maturity schedule to take advantage of savings arising from such refunding or refinancing.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

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On motion of Senator Figures, said substitute was laid on the table.

Yeas 15; Nays 12.

Yeas:

Senators:	Cabaniss	Ellis	Preuitt	
Bedford	deGraffenried	Figures	Sanders	
Bedsole	Dial	Hand	Smith (J)	
Bishop	Dixon	Hilliard	Windom	—15

Nays:

Senators:	Corbett	Hale	Manley	
Bailey	Covington	Holmes	Parsons	
Bennett	Drinkard	Langford	Smith (B)	
Campbell				—12

The question then recurred on the Figures substitute.

And on motion of Senator Figures, further consideration of the Bill, S. B. 28, and pending substitute, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 171. COMMENDING THE CITIZENS OF LAWRENCE COUNTY, ALABAMA, ON THE SUCCESS OF THEIR ANNUAL LIT-TERBUSTER CAMPAIGN.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 601. Relating to Cleburne County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. B. 21, AS AMENDED

The Senate proceeded to further consideration of the Bill, as amended by the substitute:

S. 21. Relating to elections; to create and establish a state Board of Elections; to establish, operate and maintain a statewide voter registration file under a Director of Voter Registration as a service to county boards of

registrars to assist them in updating their voter lists and to provide that this act shall be supplemental to existing election laws.

which said substitute is set out in the Journal of the Senate for the Eighteenth Legislative Day.

Senator Hand offered the following amendment to the Bill, S. B. 21, as amended, to-wit:

AMENDMENT TO S. B. 21, AS AMENDED

Amend Senate Bill No. 21, as amended, as follows:

Delete all reference to "Board of Elections" and insert "Voter Registration Advisory Board"

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Senators:	Covington	Hand	Parsons	
Bedsole	Dixon	Hilliard	Preuitt	
Bennett	Drinkard	Holmes	Rice	
Bishop	Ellis	Horn	Sanders	
Cabaniss	Figures	Langford	Smith (B)	
Campbell	Goodwin	Manley	Smith (J)	
Corbett	Hale	Mitchem	Windom	—27

Nays: —0

Senator Manley offered the following amendment to the Bill, S. B. 21, as amended, to-wit:

AMENDMENT TO S. B. 21, AS AMENDED

Amend S. B. 21, as amended, as follows:

On page 1, line 20, between the words "elections;" and "to" insert the following:

to provide that certain counties shall conduct and complete purges of their voter registration lists by a certain date;

On page 1, line 27, at the beginning of Section 1, delete the word "The" and insert in lieu thereof the following:

Every county that has not conducted and completed a purge of its voter registration list pursuant to the provisions of Act No. 84-389 since January 1, 1984, shall conduct and complete such purge no later than December 15, 1992. Only when every county has completed a voter registration list purge in compliance with the aforementioned mandate, the

Which was adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Bailey	Covington	Hale	Preuitt	
Bedford	deGraffenried	Hand	Rice	
Bedsole	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Holmes	Smith (B)	
Cabaniss	Ellis	Manley	Smith (J)	
Campbell	Figures			—25

Nays: —0

Senator Manley then offered the following amendment No. 2 to the Bill, S. B. 21, as amended, to-wit:

AMENDMENT NO. 2 TO S. B. 21, AS AMENDED

Amend S. B. 21, as amended, as follows:

On page 4, lines 6 and 7, delete the words “if any two of the three members” and insert in lieu thereof the words:

by a unanimous vote

On page 4, line 8, delete the word “revoke” and insert in lieu thereof the word:

revokes

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Bailey	Covington	Hale	Preuitt	
Bedford	deGraffenried	Hand	Rice	
Bedsole	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Holmes	Smith (B)	
Cabaniss	Ellis	Horn	Windom	
Campbell	Figures	Manley		—26

Nays: —0

Senator Manley then offered the following amendment No. 3 to the Bill, S. B. 21, as amended, to-wit:

AMENDMENT NO. 3 TO S. B. 21, AS AMENDED

Amend S. B. 21, as amended, as follows:

On page 1, line 24, insert a semicolon after the word “lists”; then, between the words “lists” and “and” insert the following:

to prescribe penalties for violations

On page 6, line 27, just before the word “In” insert the letter:

a.

On page 7, line 16, after the period following "84-389." insert a new subsection "b" as follows:

b. Members of local boards of registrars and members of county commissions who fail to comply with the provisions of this act in their representative capacities as such registrars and commissioners shall be guilty of a Class A misdemeanor and punished as prescribed by law.

Which was adopted

Yeas 26; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Bailey	Covington	Hale	Preuitt	
Bedford	deGraffenried	Hand	Rice	
Bedsole	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Holmes	Smith (B)	
Cabaniss	Ellis	Horn	Windom	
Campbell	Figures	Manley		—26

Nays:

—0

Senator Manley then offered the following amendment No. 4 to the Bill, S. B. 21, as amended, to-wit:

AMENDMENT NO. 4 TO S. B. 21, AS AMENDED

Amend S. B. 21, as amended, as follows:

On page 6, line 26, after the word "Systems" insert a new Section 4 to read as follows:

Section 4. Any voter who fails to vote for Four (4) years in his or her county shall have his or her name automatically struck from the voter registration list and placed on an inactive voter list by the local board of registrars. Once on such inactive list, said voter must reidentify with the local board of registrars in order to again have his or her name placed on the active voter registration list.

On page 6, line 27, change "Section 4" to Section 5 and renumber all succeeding sections accordingly.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Bailey	Covington	Hale	Preuitt	
Bedford	deGraffenried	Hand	Rice	
Bedsole	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Holmes	Smith (B)	
Cabaniss	Ellis	Horn	Windom	
Campbell	Figures	Manley		—26

Nays:

—0

And said Bill, S. B. 21, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

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Yeas 28; Nays 0.

Yeas:

Senators:	Covington	Hale	Mitchem	
Amari	deGraffenried	Hand	Preuitt	
Bailey	Dixon	Hilliard	Rice	
Bedford	Drinkard	Holmes	Sanders	
Bedsole	Ellis	Horn	Smith (B)	
Bennett	Figures	Langford	Smith (J)	
Cabaniss	Goodwin	Manley	Windom	
Corbett				—28

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Windom requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

Senator Windom, B. I. R., S. B. 642, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem	
Bailey	deGraffenried	Holmes	Preuitt	
Bedsole	Denton	Horn	Rice	
Bishop	Dial	Langford	Sanders	
Cabaniss	Dixon	Manley	Smith (B)	
Campbell	Drinkard		Windom	
Corbett	Figures			
	Goodwin			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 642. Amending Act No. 80-164, H. 167, 1980 Regular Session, which supplements the salaries of the Circuit Judges of the Thirteenth Judicial Circuit in Mobile County, so as to increase said supplement.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Bailey	deGraffenried	Hand	Preuitt	
Bedsole	Denton	Holmes	Rice	
Bishop	Dial	Horn	Sanders	
Cabaniss	Dixon	Langford	Smith (B)	
Campbell	Drinkard	Manley	Windom	
Corbett	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Preuitt requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

Senator Preuitt, B. I. R., S. B. 637, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Horn	
Bailey	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Preuitt	
Bennett	Drinkard	Hilliard	Sanders	
Bishop	Ellis	Holmes	Windom	
Cabaniss	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 637. Proposing an amendment to the Constitution of Alabama to restrict the levy and assessment of sales and use taxes in the City of Talladega, Talladega County.

was taken up.

Senator Preuitt offered the following amendment to the Bill, S. B. 637, to-wit:

AMENDMENT TO S. B. 637

Amend Senate Bill 637 on page 1, lines 11 and 19 before the “.” by inserting the following language:

“and in the City of Childersburg, Talladega County”.

Further amend Senate Bill 637 on page 1, line 29 and on page 2, line 1 after the word “Talladega” by adding the following language:

“or of the City of Childersburg”.

Further amend Senate Bill 637 on page 2, lines 2, 4, 8, 10 and 17 by deleting the word “said” and inserting in lieu thereof the word:

“either”.

Further amend Senate Bill 637 on page 2, by deleting lines 32 through 34 in their entirety and inserting in lieu thereof the following new language:

“Section 4. An election upon the proposed amendment in ordered to be held at a special election in Talladega County on August 22, 1989. The”.

Which was adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Horn	
Bailey	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Preuitt	
Bennett	Drinkard	Hilliard	Sanders	
Bishop	Ellis	Holmes	Windom	
Cabaniss	Figures			—25

Nays: —0

And said Bill, S. B. 637, as thus amended, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Holmes	Preuitt	
Bailey	deGraffenried	Langford	Rice	
Barron	Dial	Manley	Sanders	
Bedsole	Ellis	Mitchem	Smith (B)	
Bennett	Figures	Parsons	Windom	
Campbell	Hale			—21

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 321. To relate to the Alabama Sunset Law; to continue the existence and functioning of the plumbers and gas fitters examining board with certain modifications; to amend sections 34-37-1 through 34-37-10, section 34-37-12 and sections 34-37-14 through 34-37-18, Code of Alabama 1975, relating to plumbers and gas fitters, so as to provide further for the Alabama plumbers and gas fitters examining board and certification by the board.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 321, without the Governor's signature and with a suggested Executive Amendment.

Done this 11th day of April, 1989.

Respectfully submitted,
HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 321, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 321:

Please amend House Bill No. 321 by making the following changes:

Page 5, line 17, after the word "made", insert the words "by the governor".

Page 5, line 21, delete the phrase "~~by the governor~~" and insert in lieu thereof "by the governor".

Page 5, line 24, delete the words "~~governor~~", and "appointing authority", and insert in lieu thereof the word "governor".

Page 5, line 32, delete the word "lieutenant".

Page 6, lines 4 and 5, delete the words "speaker of the house of representatives" and insert in lieu thereof the word "governor".

Page 6, line 8, delete the word "lieutenant".

Page 6, line 10, delete the words "speaker of the house of representatives" and insert in lieu thereof the word "governor".

Page 10, line 15, delete the word "licenses" and insert in lieu thereof the word "certificates".

Page 10, line 16, delete the word "licensed" and insert in lieu thereof the word "certified".

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 11th day of April, 1989.

Respectfully,

GUY HUNT,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 321 by a vote of a majority of those voting, said vote being: Yeas 59, Nays 0.

And said Bill, H. B. 321, as thus amended by the Executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 53, Nays 0.

And said Bill, H. B. 321, together with Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Corbett, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 321, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 27; Nays 0.

Yeas:

Senators:	Campbell	Hale	Parsons
Amari	Corbett	Hand	Preuitt
Bailey	deGraffenried	Holmes	Rice
Barron	Dial	Horn	Sanders
Bedford	Ellis	Langford	Smith (B)
Bedsole	Figures	Manley	Smith (J)
Bennett	Goodwin	Mitchem	Windom

—27

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 327. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-15, 34-9-16, 34-9-41, 34-9-63 and 34-9-64, Code of Alabama 1975, so as to require, by the adoption and promulgation of rules and regulations of the board, for a continuing education program by October 1, 1991, and to make the successful completion of said program a requisite to license renewal; to provide for education fee for student hygienists in the Alabama Dental Hygienist Program; to reimburse board members' per diem and travel expenses at the same rate paid to state employees; and to increase fees for the issuance and renewal of intravenous sedation permits.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 327, without the Governor's signature and with a suggested Executive Amendment.

Done this 11th day of April, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 327, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 327:

Please amend on page 4, line 4, by deleting the dollar figure "\$150.00" and inserting in lieu thereof the dollar figure "\$75.00".

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 11th day of April, 1989.

Respectfully,

GUY HUNT,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 327 by a vote of a majority of those voting, said vote being: Yeas 51, Nays 0.

And said Bill, H. B. 327, as thus amended by the Executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 55, Nays 0.

And said Bill, H. B. 327, together with Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Corbett, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 327, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 27; Nays 0.

Yeas:

Senators:	Corbett	Hand	Preuitt
Amari	deGraffenried	Holmes	Rice
Bailey	Dial	Horn	Sanders
Barron	Ellis	Langford	Smith (B)
Bedford	Figures	Manley	Smith (J)
Bedsale	Goodwin	Mitchem	Windom
Bennett	Hale	Parsons	
Campbell			

—27

Nays:

—0

which was a majority of the whole number elected to the Senate.

FURTHER CONSIDERATION OF S. B. 28

The Senate proceeded to further consideration of the Bill, S. B. 28. The question was on the substitute offered by Senator Figures.

RESOLUTIONS

Senator Sanders offered the following Senate Joint Resolution, to-wit:

S. J. R. 172. DESIGNATING THE EASTERN TIGER SWALLOWTAIL AS THE OFFICIAL STATE BUTTERFLY.

WHEREAS, the Eastern Tiger Swallowtail butterfly is one of the most beautiful and widely distributed butterflies in North America and is a large butterfly with yellow tiger-striped wings and black tails on the edge of each hindwing; and

WHEREAS, the Tiger Swallowtail has been admired for many centuries and is believed to be the first North American insect portrayed in art; in 1587, an artist named John White, the commander of Sir Walter Raleigh's third expedition to Roanoke Island, Virginia, sent a recognizable painting of this beautiful butterfly back to England; and

WHEREAS, the City of Selma has previously been designated as the "Butterfly Capital of Alabama" and has selected as its mascot the Eastern Tiger Swallowtail; and

WHEREAS, the Alabama Garden Clubs through their efforts have set aside April 16th as the official "Save the Butterfly Day" for the State of Alabama; and

WHEREAS, the State of Alabama does not have an official butterfly as the states of California, Georgia, Illinois, Maryland and Oregon have designated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the Eastern Tiger Swallowtail as the Official Butterfly for the State of Alabama.

Which was read and referred to the Standing Committee on Rules.

Senator Sanders then offered the following Senate Joint Resolution, to-wit:

S. J. R. 173. COMMENDING MS. LAVERNE O'REAR OF LOWNDES COUNTY, ALABAMA.

WHEREAS, it is with a sense of great personal pride that the Legislature of Alabama notes that Ms. LaVerne O'Rear of Lowndes County was honored on February 24, 1989, by the State of Alabama Council for Exceptional Children at their annual conference; and

WHEREAS, Ms. O'Rear was awarded The Alpha Brown Award, the most prestigious award given to the individual chosen as the most outstanding special education educator of the year; and

WHEREAS, during the twenty-three years that Ms. O'Rear has been employed in Lowndes County, she has spent much of her time and effort defending the rights of exceptional children and young people; and

WHEREAS, Ms. O'Rear's first concern is for the individual needs of her students and her total efforts are dedicated to their growth and maturation through knowledge; and

WHEREAS, Ms. O'Rear is indeed a thoroughly knowledgeable professional whose credentials are exemplary, and she has continued to strengthen her qualifications through participation in a number of seminars, workshops, and other advanced training sessions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep appreciation, we most heartily commend and congratulate Ms. LaVerne O'Rear of Lowndes County on her well-deserved honor and direct that a copy of this resolution be provided for her as a mere token of our high esteem and warmest personal regard.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Slaughter, McClain, White (G), Beers, Gray, Newton, Payne, Davis, Rogers, Spratt, Hill, Curry, Logan, Wright, and Petelos:

H. 405. To exempt from all state, county and municipal sales taxes the sale of food pursuant to the food distribution program conducted by Christian Service Mission, Inc., in cooperation with World Share, Inc.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 405—to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Drake (With Notice and Proof):

H. 858. Relating to Morgan County, providing further for expense allowances for the chairman and associate commissioners of the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 858, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

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Also:

By Rep. Grouby (With Notice and Proof):

H. 974. Relating to Autauga County; to create a license-issuing division within the judge of probate's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; and to transfer certain duties and responsibilities now performed by the tax assessor and tax collector to said probate office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 974, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Venable (With Notice and Proof):

H. 999. Relating to Coosa County; amending the Title and Sections 3, 5 and 12 of Act No. 86-239, H. 775 of the Regular Session 1986, (Acts 1986, p. 362) relating to the offices of chairman and associate members of the Coosa County Commission, so as to further provide for the compensation and manner of payment; to provide for the voting status of the judge of probate; to require the commission to authorize travel out of the state only for emergencies and the benefit of the citizens of Coosa County, except for law enforcement traveling on official business or duty; and to provide for the effective operation of the act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 999, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 858, 974, and 999—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Newton (D), Spratt, Escott, and Perdue (With Notice and Proof):

H. 875. To provide that any Class 1 municipality that owns a civic center, or any public corporation that owns a civic center located within a

Class 1 municipality, shall have the power to own and operate a hotel of sufficient size and quality to accommodate persons attending conventions held at such civic center, as well as any related restaurants, meeting rooms and other facilities and services commonly provided by hotels; and to provide that any such municipality or public corporation shall be able to provide for the operation of any such hotel by entering into one or more management contracts with private companies and that any such management contract shall be exempt from the requirements of competitive bid laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 875, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Knight (With Notice and Proof):

H. 996. Relating to Bibb County; to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county; to provide for collection of said tax by the state revenue department; to distribute the net proceeds of said tax to the county general fund; to provide for termination of the tax unless continued at a referendum; and to repeal Act No. 88-877 of the 1988 Regular Session.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 996, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 875—to the Committee on Local Legislation No. 2

H. B. 996—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holmes (With Notice and Proof):

H. 918. Relating to Montgomery County; providing that the county commission shall appoint the county administrator; providing for the manner of appointing the assistant county administrator; removing the county administrator and the assistant county administrator from the merit system; repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 918, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. McClain and White (G) (With Notice and Proof):

H. 922. Relating to Jefferson County; to further amend Section 19 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county wide civil service system; to provide for leaves of absence and vacation for permanent employees holding full-time positions under jurisdiction of this act at the option of the appointing authority, and to provide for related matters.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 922, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Newton (C) (With Notice and Proof):

H. 1015. To authorize the Butler County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1015, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 918 and 1015—to the Committee on Local Legislation No. 1

H. B. 922—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. McKee (With Notice and Proof):

H. 611. Relating to Montgomery County; pertaining to the Retirement System for Employees of Montgomery County; to amend Section 7 of Act No. 356 of the Legislature of Alabama of 1973 to increase the maximum

retirement allowance credit from 30 to 40 years of creditable service; to amend Section 1 of Act No. 618 of the Legislature of Alabama of 1977 to equalize the reemployment repayment provisions for the restoration of creditable service credit; to amend Section 1 of Act No. 724 of the Legislature of Alabama of 1981 to increase the maximum annual service retirement allowance from 12 times sixty per centum to 12 times eighty per centum of the members' average monthly compensation, to reduce the creditable service required for vesting from 15 to 10 years and to remove special retirement restrictions for members who have attained the age of 70.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 611, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Holmes (With Notice and Proof):

H. 919. Relating to Montgomery County; amending Section 1 of Act No. 87-748, H. 1051 of the 1987 Alabama Legislature (Acts 1987, p. 1472), providing for the release of certain persons from legal custody who own equitable interest in real estate of the county, so as to further provide for persons who can post bail or appeal bonds using certain real estate equitable interest.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 919, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

H. 986. Relating to Cherokee County, to alter, rearrange and extend the boundary lines and corporate limits of the Town of Leesburg, in Cherokee County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 986, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 611, 919, and 986—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Headley (With Notice and Proof):

H. 1001. Relating to Bibb County, providing for a special recording fee for each document filed for record in the office of the probate judge and providing for the distribution of such fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1001, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Hill and Knight (With Notice and Proof):

H. 1012. Relating to Shelby County; authorizing the county commission to provide an increase in county salary supplement for each circuit judge and district attorney within the eighteenth judicial circuit and each Shelby County district judge.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1012, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1001 and 1012—to the Committee on Local Legislature No. 1

REPORTS OF COMMITTEES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 985. To Amend Act No. 88-872 of the 1988 First Special Session by imposing certain additional per ton fees on operators of commercial sites for the disposal of hazardous wastes or hazardous substances.

By Rep. Harper:

H. 989. To amend Act No. 88-872 of the 1988 First Special Session relative to the tax levied on the disposal of hazardous waste generated outside the State of Alabama to impose a "prevailing rate" fee on such waste.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Campbell and Hill:

H. 91. To provide for uniform federal lien registration; to provide for the registration of federal tax liens and other liens; to provide for the place of filing; to provide for the duties of the filing officer; to provide for filing, indexing and other fees payable to the filing officer; to provide for severability of the provisions of this act; to provide for the repeal of Section 35-11-40 and Section 35-11-41, Code of Alabama 1975, relating to filing of notices of tax liens of the United States, and for the amendment or repeal of conflicting provisions of law; and to provide for an effective date.

By Rep. Carter:

H. 170. To provide that out-of-court statements made by children under twelve years of age at the time of proceeding concerning an act that is a material element of any crime involving child sexual abuse, as defined, not otherwise admissible are admissible in criminal proceeding in certain circumstances; to specify those circumstances; and to define crimes involving child sexual abuse for purposes of this act.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. White (L) and Haynes (With Amendment):

H. 338. To provide that in addition to the definitions and authorizations contained in Section 27-17-16, 27-30-1, 27-30-31, 27-30-33 and 27-36-7 of the Code of Alabama 1975, mutual aid associations may provide insurance policies and contracts as are authorized for domestic life and disability insurers in chapter 3 of Title 27 of the Code of Alabama 1975, subject to the paid-in capital restrictions upon policy or contract limits.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Higginbotham, Box, Hooper, Holley, McKee, Payne, Flowers, Turnham, and Campbell (With Substitute):

H. 445. To create the Alabama Prepaid College Tuition Trust Fund (the Fund) and a board of trustees (the board) to administer the fund and implement the provisions of this act; to declare legislative intent; to name this act the "Alabama Prepaid College Tuition Act"; to provide definitions; to provide for the membership, terms of office, qualifications, reimbursement, meetings, powers, duties and responsibilities of the board of trustees of the trust fund; to grant broad powers necessary to implement this act; to authorize investments by the board; to provide for the location and administration of the trust fund; to authorize prepaid college tuition contracts between the

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board and individuals for the benefit of qualified beneficiaries in order to receive college or university education; to provide for the terms of such contracts and the rights of parties to such contracts; to provide for payroll deductions for such contracts; and to provide for certain specific requirements of the board.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Box and Higginbotham:

H. 446. To further amend Section 41-14-33, Code of Alabama 1975, as amended, relating to time deposits, open accounts and annual rate of interest thereon, so as to further provide therefor and for 91 day and 26 week maturities and certain one year maturities.

By Rep. Harvey:

H. 671. To amend Section 5-19-19, Code of Alabama 1975, relating to consumer finance, so as to provide that the provisions of the Section concerning the penalties shall be enforced in individual actions.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendment):

H. 805. To create a fund in the state treasury to be known as the Governor's Contingency Fund; to define the purposes for which said fund may be used and the manner of making withdrawals therefrom; to provide for the appropriation thereto; and to provide for the effective date of this act.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Hale, and Barron:

S. 434. To provide the method for computing payments due to providers of health care services by insurance companies operating within the State of Alabama.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedford (With Substitute):

S. 594. To amend Sections 36-22-60, 36-22-61 and 36-22-63 of the Code of Alabama 1975, relating to supernumerary sheriffs, so as to provide further for qualifications for supernumerary sheriffs.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale (With Amendment):

S. 101. To amend Section 32-1-4, Code of Alabama 1975, relating to the arrest of traffic offenders, so as to eliminate the requirement for an immediate hearing and to provide that officers may take such offenders into custody and bring them before a magistrate to require sufficient bond in certain instances and impose a minimum fine for failure to appear.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 329. To amend Section 14-9-41, Code of Alabama 1975, to allow certain persons who have been sentenced to 15 years or less to receive the benefits of correctional incentive time and to provide that correctional incentive time benefits shall not apply to any minimum term of confinement that may be ordered pursuant to the provisions of Section 15-18-8, Code of Alabama 1975.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Amendments):

S. 517. To provide for a community corrections plan and procedure as an alternative to incarceration for eligible offenders who have been convicted of a nonviolent felony offense; to provide for local community corrections advisory boards in the judicial circuits and counties to adopt a local community corrections plan and qualify for receipt of grants and funding; to provide for the establishment of such alternative plans and program by resolution of county commissions whereby state funds may be granted to and contracted with or through local governments and qualified nonprofit, human service agencies and entities to provide planning, treatment, guidance, training or other rehabilitation services and programs; to provide for co-operation with the department of corrections; and to provide for discretion of the trial judge in sentencing and revocation of sentencing to such alternative corrections programs.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Freeman:

H. 404. To create the Alabama Workmen's Compensation Self-Insurers Guaranty Association; to provide for its membership and the management of its affairs of the Board of Directors of the Association; to provide that it may assess its members to fund an insolvency fund; and to provide that the Department of Industrial Relations regulate the Association.

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Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Breedlove, Mathis, Warren, and Richardson:

H. 17. To provide for and permit the breeding of farm-raised alligators for certain commercial purposes; to provide for the regulation of, and to regulate, the breeding, exhibiting, selling, purchasing, shipping, or transporting of farm-raised alligators or the skins, carcasses or parts thereof, by the state department of conservation and natural resources; to provide for the licensing of alligator farmers, alligator parts dealers, and certain retailers and restaurants; to provide for the procedure for tagging certain alligator skins, carcasses, meat or parts; to provide for certain property rights in certain alligators and parts thereof; to provide for the furnishing or retention or inspection of certain records or bills of sale, relating to the sale or purchase or shipment of certain such alligator skins or carcasses or parts; to provide for a severance tax upon the skins of certain alligators taken within this state; to prohibit the taking or possession of alligators or their eggs, skins, or parts except as provided herein; to provide for the voiding of said licenses under certain circumstances; to provide for the forfeiture and disposal of certain alligators, parts, and skins and the cancellation of alligator farmer licenses under certain circumstances; and to provide for penalties.

By Reps. Bryant, Lindsey, and Richardson.

H. 248. To provide that where a bond is required for persons to be licensed or permitted by the Commissioner or Board of Agriculture and Industries a bond equivalent may be substituted in lieu thereof; that said bond equivalent shall be limited to cash bonds or irrevocable letters of credit and that said bond equivalent shall comply in all aspects with the requirements for a bond; that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to adopt rules and regulations to carry out the provisions of this Act.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedford and Corbett:

S. 332. To provide that entities which operate a hazardous waste minimization program shall be entitled to certain monetary rebates, to specify the amount of said rebate and to provide for the administration of said act.

By Senators Covington and Foshee:

S. 628. To provide for the regulation of wastewater treatment utilities by the Public Service Commission; to provide for inspection and supervision fees relating to such regulation; and to provide penalties for violations of this act.

By Senator Smith (B):

S. 654. To amend Section 11-89A-6, Code of Alabama 1975, relating to solid waste disposal authorities, so as to provide that the board of directors

consisting of three members may be expanded to consist of either five or seven members total; to provide for the terms of any additional members; and to provide for an effective date of this act.

By Senator Windom:

S. 673. To propose an Amendment to the Constitution of Alabama of 1901, to require inspection of hazardous waste generated outside the state prior to its treatment, storage or disposal.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Penry, McMillan, Blakeney, Hammett, and Beasley:

H. 158. To amend Section 37-6-21 of the Code of Alabama of 1975 to permit the board of trustees of a rural electric cooperative to mortgage or encumber the property, assets, rights, revenues and income of a cooperative without approval of the members and to define a substantial portion of the property referred to in this section.

By Reps. Cosby, Lindsey, Carter, Richardson, Burke, Butler, Fuller, Breedlove, Blake, Williams, Thomas, Hooper, McMillan, Mikell, and White (L):

H. 264. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; to provide for the powers and duties of solid waste officers; to provide that failure to comply with the provisions of the article shall constitute a public nuisance; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

By Rep. Holley:

H. 565. To amend Section 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights, so as to regulate further the sizes and weights of motor vehicles on the highways in Alabama.

By Rep. Hammett:

H. 854. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and distribution of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of the Title 11 of the Code of Alabama 1975, as amended, to provide (in certain cases) for the distribution of less than all such net income if and to the extent specified in the certificate of incorporation of a gas district, and to provide that the inclusion in any such certificate of incorporation of provisions authorizing the distribution of less than all such net income shall operate both prospectively and retrospectively.

By Rep. Holley:

H. 592. To amend Section 37-6-3 of the Code of Alabama 1975, relating to the powers of rural electric cooperatives, so as to authorize cooperatives

to acquire minority interests in electric generating plants, transmission and distribution lines or systems in common with others, to own undivided interests in facilities, to contract for the construction, operation and maintenance of facilities by other parties and allocate among parties to the contract various costs and expenses and specify entitlement of joint owners to production capability or utilization of facilities, to alter the normal rights of joint owners of property through provisions in such agreements and delegate powers and duties in connection with construction, operation, ownership and disposal of facilities to other parties to such agreements, to contract for the purchase and ownership of project capability or amounts of electric capacity and energy from a project, whether such project is complete or operable or operating, to agree to pay expenses and costs as established by a project manager, including increased costs to cover defaults by project participants and to authorize agreements requiring payments by a cooperative of an unconditional nature, irrespective of whether any electricity or other service is received in return and irrespective of whether the cooperative owns an interest in any tangible physical property.

By Rep. Blake:

H. 881. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on out-of-state solid waste disposed of in St. Clair County.

The above Bill was read a second time at length as required by the Constitution.

Senator Rice, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Harper, Turnham, Johnson (RG), Williams, and Rogers:

H. 142. To create the Dietetics/Nutrition Practice Act and to provide for a board of examiners, and to prescribe the method of appointment; its duties and authorities; and to provide for licensing qualifications, renewals and revocation, exemptions, reciprocity, and penalties.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Bugg (With Amendment):

H. 150. To propose an amendment to the Constitution of Alabama of 1901 to authorize the operation of bingo games in Etowah County.

The above Bill was read a second time at length as required by the Constitution.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Campbell:

H. 425. To provide that a retired state policemen may accept employment with a city or county agency and continue to receive his retirement

benefits but shall not receive additional retirement benefits for his new employment even though he contributes to the retirement systems; provided further, however, that upon termination of employment with the county or city agency, the employee shall receive the principal amount paid by him into the retirement system less any interest earned on the principal amount.

By Rep. Bugg (With Notice and Proof):

H. 535. Relating to Etowah County; to provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable or educational purposes shall be legal in Etowah County; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Etowah County.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Drinkard (With Notice and Proof):

S. 653. Relating to the City of Gadsden in Etowah County; authorizing the governing body to levy an additional ad valorem tax to be used for capital outlay purposes for the school system; and providing for a referendum for approval of the tax by the qualified electors of the city.

By Senator Campbell (With Notice and Proof):

S. 656. Relating to Lawrence County; providing for the establishment of a system for assessment and collection of taxes and issuance of licenses under the supervision of elected county officials designated as county revenue commissioner and county license commissioner upon referendum approved by the electors of the county.

By Senators Campbell and Hale (With Notice and Proof):

S. 659. Relating to portions of Morgan County, to authorize the county governing body to levy an additional ad valorem tax, to provide said tax shall be subject to voter approval at a referendum, to provide for the collection and administration of said tax, to provide for the distribution of funds derived from said tax to volunteer fire departments and certain emergency medical technicians, to establish certain standards for eligible volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department and to provide that the county shall be immune from certain liability.

By Senators Campbell and Hale (With Notice and Proof):

S. 660. Relating to Morgan County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the

"Morgan County 2015 Commission"; to provide for the composition, officers and duties of the commission.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Campbell (With Notice and Proof) (With Amendment):

S. 661. Relating to Lawrence County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Lawrence County 2015 Commission"; to provide for the composition, officers and duties of the commission.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Campbell (With Notice and Proof):

S. 662. Relating to Lawrence County, to increase certain court costs and provide for the distribution of the additional court costs.

By Senator Campbell (With Notice and Proof):

S. 663. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780 of the 1986 Regular Session (Acts 1986, p. 595) relating to the salary and expense allowances of the county superintendent of education so as to provide further for such salary and allowances.

By Senator Denton (With Notice and Proof):

S. 674. To authorize the governing body of Tuscumbia to establish an Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within Tuscumbia, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedure for operations and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; and to provide for appeals and other judicial processes.

By Reps. Logan, Britnell, and Newman (With Notice and Proof):

H. 510. Relating to Marion County; authorizing and providing for the incorporation of the Marion County Public Water Authority, as a public corporation for the purposes of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate

of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

By Rep. Britnell (With Notice and Proof):

H. 711. Relating to Franklin County; amending Act No. 88-560, S. 665, 1988 Regular Session, which provides for a privilege tax on certain automotive vehicles, so as to clarify the provisions relating to the distribution on the proceeds from the tax.

By Rep. Newman (With Notice and Proof):

H. 729. Relating to Lamar County; authorizing and providing for the incorporation of the Lamar County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate or incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment

to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, land or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

By Reps. Drake and Bowling (With Notice and Proof):

H. 717. To amend Section 2 of Act No. 158, H. 178, 1973 Regular Session, pertaining to levying and collecting assessments on forestland in Cullman County.

By Rep. Newman (With Notice and Proof):

H. 730. Relating to Lamar County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

By Rep. White (F) (With Notice and Proof):

H. 768. Relating to Escambia County, providing for the establishment and financing of a county law library and repealing Act No. 596, S. 779, 1969 Regular Session, as amended.

By Rep. Warren (With Notice and Proof):

H. 774. Relating to Conecuh County; to amend Section 9 of Act No. 86-322, 1986 Regular Session, so as to remove the requirement that the county roads be maintained and constructed as a unit.

By Reps. Mathis, Carothers, and Beasley (With Notice and Proof):

H. 795. Relating to Houston County; amending the title, section 2 and section 7 of Act No. 88-386, H. 768, 1988 Regular Session, relating to certain levies, collection and distribution of certain tobacco taxes, so as to eliminate the provisions relating to an advisory referendum and providing for the net revenues to be paid into the county general fund.

By Rep. Drake (With Notice and Proof):

H. 807. Relating to Cullman County; to amend further Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), which act levies a sales and use tax in Cullman County and provides for the distribution and use of the tax proceeds, so as to remove a special, separate account established to receive such tax proceeds; to remove the bonding requirements of the custodian of public school funds of Cullman County; and to require the custodian of public school funds to deposit such tax revenues or proceeds into the general fund of the Cullman County school system.

By Rep. Drake (With Notice and Proof):

H. 808. Relating to Cullman County; providing for the county commission on education to reimburse the office of the county superintendent of education for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county allocated for schools.

By Rep. Headley (With Notice and Proof):

H. 811. Relating to Chilton County, providing for a special recording fee for each document filed for record in the office of the probate judge and to provide for the distribution of such fees.

By Rep. Newton (C) (With Notice and Proof):

H. 812. Relating to Crenshaw County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that persons's inability to pay.

By Rep. White (L):

H. 831. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Tallapoosa County so as to authorize the county commission to increase certain court costs, to provide for disposition of the increased fees and to provide for retroactive effect.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Carothers, Beasley, and Mathis (With Notice and Proof):

H. 833. To provide for the levy and collection of special county privilege and license taxes in Houston County paralleling the state sales tax provided

for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes in Houston County paralleling the state use tax provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the period of time during which and the rates at which such taxes shall be levied; to provide for the distribution of the proceeds of such taxes; and to provide for the enforcement of this act by the State Department of Revenue.

By Reps. Williams and Flowers (With Notice and Proof):

H. 835. Relating to Dale County; abolishing the office of constable; and providing an effective date.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Bryant (With Notice and Proof) (With Amendment):

H. 852. Relating to the City of Marion in Perry County; authorizing the Marion City governing body to levy an additional ad valorem tax to be used for educational purposes and providing for a referendum on such taxes.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. White (L) (With Notice and Proof):

H. 855. Relating to Tallapoosa County, to provide for the filing for record and the preservation of all orders and judgments made and entered by the judge of the circuit court of the county.

By Reps. Hamilton, Starkey, and Goodwin (With Notice and Proof):

H. 859. Relating to Lauderdale County; amending Act No. 84-387, H. 757, 1984 Regular Session, so as to provide further for the term and compensation of the revenue commissioner.

By Rep. Moon (With Notice and Proof):

H. 862. Relating to Marshall County, amending Act No. 87-522, 1987 Regular Session, which provides for a tobacco tax, so as to provide further for the collection of said tax.

By Rep. Newton (C) (With Notice and Proof):

H. 865. Relating to Crenshaw County; authorizing the county commission to levy an additional sales and use tax paralleling the state sales and use tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63, Code of Alabama 1975, as amended; providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for termination of this act unless continued by a majority of the electors of Crenshaw County in a referendum.

By Reps. Blakeney and Black:

H. 886. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection in Choctaw County, so as to provide for the levy and collection of certain additional property tax for fire protection in said county.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Britnell (With Notice and Proof):

H. 890. To remove certain property from within the municipal limits of Bear Creek in Marion County.

By Rep. Laird (With Notice and Proof):

H. 893. Relating to Randolph County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Randolph County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

By Rep. Mathis (With Notice and Proof):

H. 898. Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

By Rep. Mathis:

H. 899. To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Starkey and Hamilton (With Notice and Proof):

H. 905. Relating to Lauderdale County, providing further for the compensation of the license commissioner.

By Rep. Adams (With Notice and Proof):

H. 902. Relating to Russell County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

By Reps. Marks and Drake (With Notice and Proof):

H. 906. Relating to Morgan County; providing for an additional expense allowance for the court reporter of the Eighth Judicial Circuit.

By Rep. Drake (With Notice and Proof):

H. 914. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county and providing for a retroactive effective.

By Rep. Flowers (With Notice and Proof):

H. 923. Relating to Pike County; authorizing the Pike County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire protection; and expressing legislative intent regarding said contracts.

By Rep. Thomas (With Notice and Proof):

H. 927. Relating to Lowndes County, amending Act No. 166, H. 137, 1961 Regular Session, which levies a sales tax, so as to provide further for the distribution of the tax.

By Rep. Thomas (With Notice and Proof):

H. 928. Relating to Lowndes County; to amend Section 12 of Act No. 87-620, H. 1088 of the 1987 Regular Session (Acts 1987, p. 1097) as amended, which levies an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes thereof so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

By Rep. Thomas (With Notice and Proof):

H. 929. Relating to Lowndes County; to amend Section 6 of Act No. 87-523, H. 1090 of the 1987 Regular Session (Acts 1987, p. 791) which levies a county privilege, license or excise tax on tobacco and certain tobacco products so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

By Rep. Thomas (With Notice and Proof):

H. 930. Relating to Lowndes County; to grant the county commission certain power relating to levying or increasing county business or privilege licenses.

By Reps. Blakeney and Black:

H. 934. Proposing an amendment to the Constitution of Alabama of 1901, relating to additional ad valorem taxes in Choctaw County.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 939. Relating to Lee County; to create the Lee County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the commission to make subdivision regulations, a master plan, and to adopt

zoning regulations for the development of Lee County; to grant the commission power to zone the certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; and to provide exceptions for such zoning regulations and for appeals from the decisions of the commission.

By Rep. Laird (With Notice and Proof):

H. 941. Relating to Clay County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Clay County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

By Rep. Britnell (With Notice and Proof):

H. 947. To amend the title and sections 1, 2, 3, 4, and 5 of Act No. 54, H. 378, approved June 28, 1965 (Acts 1965, p. 75), which provides for a junior college and trade school scholarship program for residents of Franklin County, Alabama, so as to provide for a community college scholarship program for such residents and for the manner of awarding such scholarships.

By Rep. Britnell (With Notice and Proof):

H. 949. To amend Section 6 of Act No. 515, H. 756, approved September 14, 1963, (Acts 1963, p. 1100), which levied a tobacco tax in Franklin County, Alabama, so as to provide further for the disposition of the proceeds of the revenue from such tax.

By Reps. Fuller and Laird (With Notice and Proof):

H. 958. Relating to Chambers County; providing for an increase in certain court costs and providing for the disposition of the proceeds from the increase.

By Reps. Fuller and Laird (With Notice and Proof):

H. 959. Relating to Chambers County, authorizing the county commission to levy an annual license or privilege fee upon any business, except for practicing the religious tenants of any church, and to allow it to set the amount of any such business or privilege license fee at a rate of from ten dollars to one hundred dollars for each type or category of business in the county, and authorizing the county commission to promulgate all necessary or appropriate rules and regulations for the implementation and enforcement of this act.

By Reps. Fuller and Laird (With Notice and Proof):

H. 960. To levy and impose on lessors or renters of tangible personal property in Chambers County an additional license or privilege tax based on the gross proceeds of such business of leasing or renting tangible personal property to be deposited into the general fund of the county treasury for the use of Chambers County.

By Reps. Fuller and Laird (With Notice and Proof):

H. 961. Relating to Chambers County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the

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sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county and provide for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 965. Relating to Lee County; providing that the Lee County Commission shall be authorized to levy sales and use taxes outside the corporate limits of the Cities of Auburn and Opelika generally paralleling the state sales and use taxes but limited in amount as set out herein, with the same exemptions and exclusions; providing for the collection of such tax by the State Department of Revenue; providing for the distribution and use of the proceeds; and repealing Act. No. 88-400, H. 886, 1988 Regular Session.

By Rep. Breedlove (With Notice and Proof):

H. 970. Relating to Washington County, providing further for the compensation of the district judge.

By Rep. Lindsey (With Notice and Proof):

H. 972. Relating to the City of Centre in Cherokee County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing for cumulative voting for council members; providing for the elimination of run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

By Rep. Lindsey (With Notice and Proof):

H. 973. Relating to Cherokee County; to authorize a local citation fee for license inspector citations personally served by the license inspector, and to provide for the distribution of said fee.

By Rep. Holley (With Notice and Proof):

H. 978. Relating to redeeming lands for taxes in Coffee County, Alabama.

By Rep. Holley (With Notice and Proof):

H. 979. Relating to collection and distribution of casual sales and use taxes in Coffee County, Alabama.

By Rep. Holley (With Notice and Proof):

H. 980. Relating to Coffee County; providing further for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the Revenue Commissioner to the Probate Judge requiring an additional bond of the Probate Judge; providing for the deposit of fees and commissions in the general fund of the county; and defining terms.

By Rep. Moon (With Notice and Proof):

H. 984. Relating to Marshall County, levying a sales tax on certain alcoholic beverages sold at retail in the county and providing for its distribution.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Notice and Proof):

S. 392. To provide that in any Class 1 municipality any racing commission is designated as the primary law enforcement agency to enforce the provisions relating to horse racing in Class 1 municipalities; to provide access by such commission to any law enforcement records pertaining to enforcement of any provisions relating to horse racing in Class 1 municipalities; and to authorize such commission to enter into cooperative agreements with certain law enforcement agencies.

By Senator Hilliard (With Notice and Proof):

S. 596. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Michael P. Sweatt for a pension based upon extraordinary disability and to award such pension if, in the judgement of the Board of Managers, such pension is required, and to provide for the conditions and limitations applying to such pension, and to set an effective date.

By Senator Bennett (With Notice and Proof):

S. 598. Relating to Jefferson County; to provide for the compensation and other benefits for the tax assessor and the tax collector and for the method of payment and funding.

By Senator Bennett (With Notice and Proof):

S. 616. This bill establishes an expense allowance for the sheriff of Jefferson County, Alabama, and provides that this act shall begin immediately and at the beginning of each term of office of said sheriff thereafter; including manner in which said allowance will be paid.

By Senator Hilliard (With Notice and Proof):

S. 646. Relating to Jefferson County; establishing a residency requirement for Jefferson County Commissioners.

By Rep. Payne (With Notice and Proof):

H. 46. Relating to Jefferson County, authorizing the county commission to enact ordinances prohibiting the overgrowth of weeds and storage of certain junk and providing for penalties for violations of said ordinances.

By Reps. Newton (D), Escott, and McClain (With Notice and Proof):

H. 540. Relating to Jefferson County; to further amend Sections 18 and 20 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the certification of five names to fill vacancies in positions other than department head or entry-level police or firefighter positions at the option of the appointing authority, and to provide for related matters.

By Reps. Newton (D), Escott, and McClain (With Notice and Proof):

H. 541. Relating to Jefferson County; to further amend Section 18 of an act designated as Act No. 248 of the Regular Session of the Legislature

of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the number of eligibles to be certified to the appointing authority when one or more vacancy in the position of firefighter or police officer is to be filled, and to provide for related matters.

By Rep. Perdue (With Notice and Proof):

H. 563. To further amend Act 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945, (general acts of the Legislature of Alabama, pp. 376-400), as heretofore amended, related to creating and establishing in counties having a population of 400,000 or more according to the last or any future federal census, a county-wide civil service system, to provide for the creation in Class I municipalities of the executive exempt service and related matters as described below and hereby adopted as if set out in full herein.

By Rep. Spratt (With Notice and Proof):

H. 661. To authorize the Board of Managers of the city of Birmingham Retirement and Relief System to consider the application of certain named individuals to purchase prior service time and to allow such purchase if, in the judgement of the board of managers, such purchase is reasonable, and to provide for the conditions and limitations applying to such purchase, and to set an effective date.

By Senator Hilliard (With Notice and Proof):

S. 589. To provide that any Class 1 municipality that owns a civic center, or any public corporation that owns a civic center located within a Class 1 municipality, shall have the power to own and operate a hotel of sufficient size and quality to accommodate persons attending conventions held at such civic center, as well as any related restaurants, meeting rooms and other facilities and services commonly provided by hotels; and to provide that any such municipality or public corporation shall be able to provide for the operation of any such hotel by entering into one or more management contracts with private companies and that any such management contract shall be exempt from the requirements of competitive bid laws.

By Senator Bennett (With Notice and Proof):

S. 567. To amend further Act 85-914 of the 1985 Session of the Legislature of Alabama and all other acts pertaining to the expense allowance of the following officers of Jefferson County, Alabama: the county commissioners; to provide further for the expense allowance of the county commissioners, to provide for a method of payment, to provide for an effective date of application, to provide for repeal of any conflicting laws, and to provide for the severability of this act.

By Senator Bennett (With Notice and Proof):

S. 519. To establish the salaries for the following officers of Jefferson County, Alabama: the president of the county commission and the four associate county commissioners; and to provide that the salaries as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Notice and Proof) (With Substitute):

S. 382. To further amend Act 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945, (general acts of the Legislature of Alabama, pp. 376-400), as heretofore amended, related to creating and establishing in counties having a population of 400,000 or more according to the last or any future federal census, a county-wide civil service system, to provide for the creation in Class I municipalities of the executive exempt service and related matters as described below and hereby adopted as if set out in full herein.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senators Bennett, Dial, and Cabaniss:

S. 492. To amend Code of Alabama, 1975, §22-30-11, to prohibit commercial hazardous waste treatment or disposal facilities from accepting hazardous wastes generated in another state which prohibits the treatment, storage, or disposal of hazardous wastes within its own borders, or which refuses or fails to comply with 42 USC 9604(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, which requires each state to adequately treat and dispose of all hazardous wastes reasonable expected to be generated within that state over the next 20 years through the establishment of a hazardous waste treatment or disposal facility within the state or through the use of hazardous waste treatment or disposal facility located outside the state in accordance with an interstate agreement or regional agreement or authority.

By Senators Campbell, Hand, Goodwin, and Denton:

S. 324. To amend Section 38-2-7, Code of Alabama 1975, which creates local county boards of human resources and specifies who may serve as members of such local boards, so as to state that no person who is related by consanguinity or affinity within the fourth degree or nearer under the civil law to any such officer or employee shall be a member of any such county board of human resources.

By Senator Campbell:

S. 400. To amend Section 36-16-8, Code of Alabama 1975, which provides for the inventory of state property, so as to provide further for such inventory.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill and Senate Joint Resolution delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

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S. B. 506

Delivered to the Secretary of State April 19, 1989, at 8:54 A.M.

S. J. R. 155

Delivered to the Governor April 20, 1989, at 2:37 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 6:15 P.M., on motion of Senator Figures, in accordance with Motion heretofore adopted, and pending further consideration of the Bills, S. B.'s 28 and 31, the Senate adjourned until Tuesday, April 25, 1989, at 2 o'clock P.M.

TWENTY-SECOND LEGISLATIVE DAY

TUESDAY, APRIL 25, 1989

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator William J. Cabaniss, Jr., Sixteenth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Race Cannon, Martin Middle School, Opelika, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Foshee	Mitchem
Amari	Corbett	Goodwin	Parsons
Bailey	Covington	Hale	Preuitt
Barron	deGraffenried	Hand	Rice
Bedford	Denton	Hilliard	Sanders
Bedsole	Dial	Holmes	Smith (B)
Bennett	Dixon	Horn	Smith (J)
Bishop	Ellis	Langford	Windom
Cabaniss	Figures	Manley	

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-first Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,
Vice Chairperson.

COMMITTEE REPORT

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Twenty-first Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senator Drinkard for today.

CALENDAR BILL RE-REFERRED

Senator deGraffenried requested and received permission to suspend the Rules in order to bring up the Bill, S. B. 673, pursuant to the provisions of Senate Rule 34.

Senator deGraffenried then moved that the Bill, S. B. 673, be removed from the Calendar and referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 673, re-referred to the Standing Committee on Judiciary.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, the first of which was the Bill:

S. 28. To create and establish the "Alabama Convention Facilities Act"; to authorize the legislature to appropriate certain sums from the state sales tax proceeds and the state transient occupancy tax proceeds to the cities and counties building eligible facilities in order to assist in the payment of the debt service on bonds issued in connection with such facilities; to define the powers and responsibilities of the Director of Finance, the State Treasurer, and the cities and counties; to authorize payments, based on legislative appropriations; and to establish the "Convention Facilities Fund."

The question was on the substitute offered by Senator Figures, which said substitute is set out in the Journal of the Senate for the Twenty-First Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 548. To provide that any Class I city of the state shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building of structure was located and that such assessment to constitute a lien on said property; to provide methods of collecting such assessments; and to authorize the tax collector to collect such assessments.

Also:

H. 583. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Brighton, in Jefferson County.

Also:

H. 662. To amend Article VI, Section 8 of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary disability

benefits of the City of Birmingham retirement and relief system, so as to provide that extraordinary disability benefits shall not be paid to any participant who joins the system on or after January 1, 1989, during any period that such disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job have been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1989, the board of managers may waive the one year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

Also:

H. 710. Relating to Jefferson County; to amend Act No. 497, H. 1057, 1965 Regular Session, as amended, relating to a pension system for officers and employees of the county so as to increase the benefit formula rate and to provide further for the retirement of certain members of the pension system.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 305. MOURNING THE DEATH OF RUFUS WHITE OF POLLARD, ALABAMA.

Also:

H. J. R. 338. RELATIVE TO MEETING DAYS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 549. To allow any municipality having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, and acting pursuant to the authority granted by Act No. 105 of the 1971 Third Special Session of the Alabama Legislature, to authorize independent contractors to abate public nuisances caused by noxious or dangerous weeds without complying with the competitive bid law.

Also:

H. 697. Relating to Chambers County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire and rescue protection, and expressing legislative intent regarding said contracts.

Also:

H. 723. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Dothan in Houston County.

Also:

H. 732. Relating to Dallas County; providing for an additional expense allowance for the tax assessor and the tax collector.

Also:

H. 737. Relating to Sumter County; providing further for the expense allowance of members of the county board of education.

Also:

H. 744. Relating to Lauderdale County; to authorize the license commissioner to charge a fee for mailing boat licenses.

Also:

H. 764. To promote the maintenance of Tallapoosa County's natural beauty by eliminating unsightly and unhealthy litter; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Tallapoosa County Health Department to enforce littering laws in Tallapoosa County; and to prescribe fines for violations.

Also:

H. 776. Relating to Houston County; providing further for the compensation of the members of the board of registrars and to provide for retroactive effect to October 1, 1980.

Also:

H. 777. Relating to Henry County; to levy a tax upon certain tobacco products; to provide for the collection thereof and the disposition of the proceeds; and to provide for the enforcement of the provisions of this act.

Also:

H. 130. Relating to Chilton County; amending Section 3 of Act No. 87-176, H. 435, 1987 Regular Session, levying an additional ad valorem tax not to exceed five mills, so as to provide further for the distribution of the proceeds of such tax, and to provide for a referendum.

Also:

H. 389. Relating to Cullman County; prescribing procedures whereby certain qualified electors in certain newly created election precincts shall vote in county board of education elections and providing that this act shall have certain supplemental effect.

Also:

H. 449. Relating to Lee County; to implement the provisions of that certain amendment to the Constitution of Alabama of 1901 proposed by Act No. 88-479 enacted at the 1988 Regular Session of the Legislature and of Amendment No. 392 to said Constitution; to authorize the governing body of Lee County to establish, at any time and from time to time, one or more fire fighting districts within the boundaries of Lee County; to provide for the alteration of the boundaries of any such district by said governing body; to provide that territory within the corporate limits of any municipality as of the date on which the boundaries of any such district are so fixed or altered may not be included in such district except with the approval of the governing body of such municipality; to provide for the inclusion in, and the exclusion from, any such district of certain territory within the so-called "service areas" of certain public corporations, districts and authorities that are authorized to provide fire protection, fire prevention and related services and to make charges for the provision of such services; to provide for the exclusion from any fire fighting district of territory that forms a part thereof and that is annexed to a municipality, that is included within the corporate limits of a municipality incorporated subsequent to the establishment of such district or to the then most recent alteration of its boundaries, or that is excluded from such district at the request of the governing body of a municipality; to provide that, in the event that any territory forming a part of any such district is so excluded therefrom, the municipality within which such territory is situated shall, at the request of said governing body of Lee County, enter into an agreement with said governing body whereunder said municipality may be effectively required to provide for the construction of a fire station and appurtenant facilities to replace any fire station and appurtenant facilities then located within the territory to be so excluded from such existing district, to assume certain indebtedness in connection with such existing fire station and appurtenant facilities, to make certain specified payments to Lee County, or to do any or all of the foregoing, all as the said governing body of Lee County may determine; to provide that neither the obligation of a municipality to make any payment provided for herein nor any agreement of such municipality in connection therewith shall be construed to constitute a debt or indebtedness of such municipality within the meaning of any constitutional or statutory limitation or indebtedness then applicable to such municipality; to ratify and confirm the boundaries of fire fighting districts heretofore established by said governing body of Lee County pursuant to said Amendment No. 392, and to authorize the alteration of such boundaries hereafter; to authorize the said governing body of Lee County to levy financial charges or assessments on all units of property within any fire fighting district, subject to the approval of the qualified electors of such district; to provide that no such financial charge or assessment

may be levied with respect to any such unit of property at a rate in excess of \$25.00 per fiscal year; to define the classes of property subject to such financial charges or assessments and to provide for the exemption of certain dwellings from the levy and collection thereof; to provide that certain buildings, structures or other improvements that are exempt from property taxation (including, without limitation, property owned by the state, Lee County, a municipality or any department, agency or instrumentality of any one or more thereof, by certain public corporations or by certain nonprofit corporations) shall nevertheless be subject to such financial charges or assessments; to provide for the payment and collection of such financial charges or assessments; to provide for determining the location, fair market value and ownership of units of property subject to any such financial charge or assessment and for certain powers of the tax assessor and said governing body of Lee County in connection therewith; to provide that any such financial charge or assessment shall constitute a lien on the unit or units of property against which it is levied, subject and subordinate only to liens for state or local ad valorem taxes; to provide for the sale of certain such unit or units of property in the event of default in payment of such financial charge or assessment with respect thereto; to provide for the use of proceeds derived from any such financial charge or assessment; to provide for the establishment and maintenance in the county treasury of a special district fire protection fund for each district in which any such financial charge or assessment is then being levied and collected; to authorize the governing body of Lee County to enter into agreements with volunteer fire departments with respect to the fire protection, fire prevention and related services and facilities provided or to be provided by such volunteer fire departments within one or more fire fighting districts, all to the extent provided by said Amendment No. 392; to provide for calling and conducting special elections within any such district to authorize the levy of a financial charge or assessment therein, or to authorize an increase in the maximum rate of any such financial charge or assessment or an extension of the period of time during which any such financial charge or assessment may be so levied; to provide for the notice to be given with respect to such special elections, and for canvassing the returns and declaring the results of such special elections; to provide for the forms of ballot for such special elections and the qualification of electors in such special elections; and to repeal all laws and parts of laws in conflict with the provisions hereof (including specifically, but without limitation, Act No. 86-413 and Act No. 88-597 of the Legislature).

Also:

H. 578. Relating to the City of Bay Minette in Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of said city, as shown by a map of said area which is on file in the Office of The Judge of Probate of Baldwin County, Alabama, and open to the inspection of the public.

Also:

H. 704. To provide for the method and the procedure for summoning witnesses in Marshall County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of

a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 617. To propose an amendment to the Constitution of Alabama of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in Calhoun County; and to provide that the provisions of this amendment shall be self-executing.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 199. URGING THE ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO SEEK THE ESTABLISHMENT OF A JOINT WATER RESOURCES COORDINATING COUNCIL WITH THE STATE OF FLORIDA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 686. Relating to Perry County; authorizing the county commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage gasoline and motor fuel not to exceed three cents (\$.03) per gallon; providing for the collection and distribution of the tax; and providing for the enforcement of this act.

Also:

H. 688. Relating to Perry County; authorizing the county commission to levy a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of certain tobacco products in the county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Also:

H. 149. Relating to Wilcox County, amending Section 1 of Act No. 642, H. 1110, 1978 Regular Session (Acts 1978, p. 905) which act established the Wilcox County Law Library Fund, so as to increase certain court costs to be paid to the said Law Library Fund and to the circuit clerk and the county general fund.

Also:

H. 584. Relating to Lauderdale County; to amend Section 1 of Act No. 79-118, H. 382, 1979 Regular Session (Acts 1979, p. 149), so as to provide further for the compensation of election officials.

Also:

H. 633. Relating to Randolph County, prohibiting the county board of education from reacquiring certain property purchased by the North Randolph County Development Association without the payment of fair and reasonable market value.

Also:

H. 673. Relating to Jackson County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in the county, and providing for the collection, enforcement and distribution of the tax.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 814. Relating to the Blount County merit system; amending Section 4 of Act No. 648, H. 1128 of the Regular Session 1978 (Acts 1978, p. 916), relating to eligible persons for membership, so as to exclude the chief clerks of each elected office from the exception and include as eligible for membership.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 403. To amend section 16-33A-3, Code of Alabama 1975, relating to the Alabama Student Grant Program, so as to provide further for the amount granted to each eligible student per academic year.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 391. To amend section 25-4-51; section 25-4-52; section 25-4-53; section 25-4-54, as amended by Act No. 88-783, H. 163, 1988 First Special Session; section 25-4-72, as amended by Act No. 88-784, H. 188, 1988 First Special Session; section 25-4-77, as amended by Act No. 88-784, H. 188, 1988 First Special Session; section 25-4-78; and section 25-4-91 of the Alabama Unemployment Compensation Act, Code of Alabama 1975, so as to provide the technical provisions necessary to change the state's Unemployment Compensation Experience Rating system from that known as the "Benefit Wage" formula (under which an employer's rate of contribution is determined upon the ratio of benefit wages upon which benefits are computed is to the employer's total taxable payroll) to the "Benefit Ratio" (under which the rate is based upon the ratio of actual benefits paid to an employer's former workers is to his total taxable payroll) effective with rate determinations for tax rate year 1991; to provide for four rate schedules, rather

than a single schedule, based upon the condition of the trust fund balance in relation to the desired level of the fund and established the criteria for each rate under the formula; to set new minimum, maximum and intermediate rates for each schedule; to prescribe procedures for the implementation of, and transition to, the new system; to provide a revised formula for determining the desired level of the trust fund and set the appropriate rate schedule for the next following rate year based on the fund balance in relation to the desired level; to define shared costs and provide for the identification and for the accumulation of appropriate data and for the formula under which assessments to recover shared costs will be distributed; to repeal the special formula for determining contribution rates for maritime employers; to delete the provision suspending the experience rating account of an employing unit whose owner or primary officer(s) enter military duty until the return of such person(s); to increase the maximum weekly unemployment benefit to \$150.00 effective for weeks of unemployment within benefit years beginning on or after January 7, 1990; and to remove language obsoleted by these amendments.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 694. To authorize the governing body of the City of Decatur, in Morgan County, Alabama, to establish a Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within the City of Decatur, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto, and to provide for appeals and other judicial processes.

Also:

H. 721. To amend Act No. 929, 1951, Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended which created a retirement and relief system for officers and employees of the City of

Birmingham, so as to provide further for participant and city contributions, for benefit increases, and for related matters.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 447. To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to provide definitions; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material; to define and prohibit the distribution to a minor, the possession with intent to distribute to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is harmful to minors; to provide for misdemeanor and felony criminal penalties; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violation of this Act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of all obscene material and material which is harmful to minors used, intended to be used, or obtained in violation of the provisions of this act; to provide for the forfeiture and disposition of moneys, negotiable instruments, and funds used, intended to be used, or obtained in any violation of the provisions of this act; to provide for the forfeiture and disposition of proceeds or receipts derived from property which is subject to forfeiture pursuant to the provisions of this act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975, which pertain to obscene materials displaying or depicting children, shall not be repealed, amended, affected, or limited; to provide that city and county ordinances not in conflict with the provisions of this act shall not be repealed by implication; to exclude certain libraries and employees and agents of such libraries from the criminal penalties of this Act; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 342. COMMENDING THE UNIVERSITY OF MONTEVALLO MEN'S BASKETBALL TEAM ON THEIR OUTSTANDING ACCOMPLISHMENTS OF THE 1988-89 SEASON.

Also:

H. J. R. 343. COMMENDING JOHN MALOY LONG OF TROY STATE UNIVERSITY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 323. DESIGNATING "WORKERS MEMORIAL DAY" IN ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 474. To amend Sections 40-2-12, 40-2-13 and 40-2-14 of the Code of Alabama 1975, so as to allow the department of revenue to store data on electronic media and computer output microfilm and, after validation of accuracy, to destroy the original documents; to allow data stored electronically to be admitted in evidence in all courts.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 775. To define certain terms; to make findings; to authorize and set forth the requirements for the creation of county industrial development authorities, the procedure for incorporation, the qualifications, procedure for election, and terms of the officers and Directors of an Authority, the procedure for reincorporating and ratifying the existence of previously organized industrial development authorities and boards, the issuance, sale, and execution of Bonds, the disposition of proceeds from sale of Bonds and refunding Bonds, the making of grants, the amendment of articles of incorporations; to designate certain powers of the Authority; to exempt Authorities, their property and income, from usury and interest laws, taxation, and competitive bid; to provide limited liability of Authorities, their members, officers, agents, and employees; to provide a procedure for validating Bond issues; to authorize other governmental bodies to appropriate funds and donate property to an Authority; and to make provisions for the dissolution of Authorities and transfer of funds and assets upon dissolution; to permit cities, counties, the State, the teachers' retirement system of Alabama, the employees' retirement system of Alabama, the state insurance fund, and fiduciaries to invest in Bonds issued by an Authority; to permit Bonds issued by an Authority to be pledged as security for funds belonging to the State or any of its political subdivisions or instrumentalities.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 637. Proposing an amendment to the Constitution of Alabama to restrict the levy and assessment of sales and use taxes in the City of Talladega, Talladega County and in the City of Childersburg, Talladega County.

JIM SMITH,
Vice Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolution with the original Senate Bill and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. 601. Relating to Cleburne County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

Also:

S. J. R. 171. COMMENDING THE CITIZENS OF LAWRENCE COUNTY, ALABAMA, ON THE SUCCESS OF THEIR ANNUAL LIT-TERBUSTER CAMPAIGN.

JIM SMITH,
Vice Chairperson.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF S. B. 28

The Senate proceeded to further consideration of the Bill, S. B. 28. The question was on the substitute offered by Senator Figures.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Hand (With Notice and Proof):

S. 690. Relating to Baldwin County; to establish a "Baldwin County Oil and Gas Severance Tax Trust Fund" on producers of oil and gas and

other hydrocarbons, plus certain income or interest; to regulate and provide for the administration of the expenditures of such trust funds by the county commission; to provide for the maximum funding of said trust fund; to specifically repeal, following the full funding of such trust fund established with respect to Baldwin County, Act No. 2120, H. 2450, Regular Session 1971 (Acts 1971, Vol. V, p. 3399), as amended, relating to Baldwin County privilege tax on persons engaged in the business of producing or severing oil or gas or other hydrocarbons from the soil or the waters, to specifically provide that this bill shall not be construed to repeal that part of Title 40, Code of Alabama 1975, as amended, which provides for the levy of certain taxes upon the production or severing oil or gas from the soil or waters of the state; and to provide for nonseverability construction and an effective date.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 690, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedford (With Notice and Proof):

S. 691. Relating to Fayette County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Fayette County; and providing for a referendum.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 691, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Corbett (With Notice and Proof):

S. 692. Relating to Macon County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 692, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Mitchem:

S. 693. To amend Section 40-18-19 of the Code of Alabama 1975, relating to retirement benefits being exempted from income taxes so as to provide further for the exemption of United States government retirement annuities and to amend Section 40-18-20 relating to military retirement

benefits being exempted from income taxes so as to provide further for said exemption.

Committee on Finance and Taxation.

By Senators Hilliard, Langford, and Horn:

S. 694. To provide that Tuskegee University shall be known as a state related university; to provide said university with certain entitlements; and to provide for the governor of Alabama to appoint one-fourth of the board of trustees.

Committee on Finance and Taxation.

By Senators Hilliard, Horn, and Langford:

S. 695. To amend section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of state employees for certain charitable organizations, so as to include the United Negro College Fund, Inc., within the list of qualified charities.

Committee on Finance and Taxation.

By Senators Hilliard, Horn, and Langford:

S. 696. To provide a voluntary checkoff designation of state income tax returns for the United Negro College Fund, Inc.

Committee on Finance and Taxation.

By Senator Windom:

S. 697. To amend Section 11-59-1, Code of Alabama 1975, relating to Public Athletic Boards, so as to expand the definition of "facility" to include gymnasias and other indoor athletic facilities.

Committee on Finance and Taxation.

RESOLUTIONS

Senator Bedford offered the following Senate Resolutions, to-wit:

S. R. 174. COMMENDING DR. LINDA ACKER OF FAYETTE, ALABAMA.

Also:

S. R. 175. COMMENDING MR. JERRY BOBO FOR DISTINGUISHED SERVICE TO FAYETTE COUNTY HIGH SCHOOL.

Which were filed.

FURTHER CONSIDERATION OF S. B. 28

The Senate proceeded to further consideration of the Bill, S. B. 28. The question was on the substitute offered by Senator Figures.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 321. To relate to the Alabama Sunset Law; to continue the existence and functioning of the plumbers and gas fitters examining board with certain modifications; to amend Sections 34-37-1 through 34-37-10, section 34-37-12 and sections 34-37-14 through 34-37-18, Code of Alabama 1975, relating to plumbers and gas fitters, so as to provide further for the Alabama plumbers and gas fitters examining board and certification by the board.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 327. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-15, 34-9-16, 34-9-41, 34-9-63 and 34-9-64, Code of Alabama 1975, so as to require, by the adoption and promulgation of rules and regulations of the board, for a continuing education program by October 1, 1991, and to make the successful completion of said program a requisite to license renewal; to provide for education fee for student hygienists in the Alabama Dental Hygienist Program; to reimburse board members' per diem and travel expenses at the same rate paid to state employees; and to increase fees for the issuance and renewal of intravenous sedation permits.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 28

The Senate proceeded to further consideration of the Bill, S. B. 28. The question was on the substitute offered by Senator Figures.

On motion of Senator Figures, said substitute was laid on the table.

Senator Figures then offered the following substitute No. 2 for the Bill, S. B. 28, to-wit:

SUBSTITUTE NO. 2 FOR S. B. 28

**A BILL
TO BE ENTITLED
AN ACT**

To create and establish the "Alabama Convention Facilities Act"; to authorize the legislature to appropriate certain sums from the state transient occupancy tax proceeds to the cities and counties building eligible facilities in order to assist in the payment of the debt service on bonds issued in connection with such facilities; to define the powers and responsibilities of the Director of Finance, the State Treasurer, and the cities and counties; to authorize payments, based on legislative appropriations; and to establish the "Convention Facilities Fund."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act may be cited as the "Alabama Convention Facilities Act."

Section 2. The legislature hereby finds and determines that:

(a) The convention industry is a vital and beneficial industry for the State of Alabama and promotes the health, welfare, progress and physical and economic well-being of the people of this state.

(b) Adequate facilities are essential to the proper development of the meeting and entertainment industries. Adequate convention facilities are often not self-supporting so as to permit their financing with revenue bonds, but generate economic activity and stimulate business and commerce in the affected locality, and throughout the state, through increased demand for goods and services furnished by restaurants, hotels, places of entertainment as well as stores, shops and other establishments, and, as a consequence, they generate additional state and local tax revenues.

(c) It is in the interest of the state and its cities and counties, for the state to assist any city, county and entities or authorities thereof in financing convention facilities by remitting to the city, county or entities or authorities thereof a portion of the additional state transient occupancy tax proceeds paid by delegates.

Section 3. As used in this act, the following words and phrases shall have the following meanings respectively ascribed to them unless the context clearly indicates otherwise:

(a) "Bonds" means either general obligation bonds, limited obligation, or revenue bonds, or a combination thereof, issued after the effective date of this act by a city, county or entities or authorities thereof in connection with the financing, in whole or in part, of eligible facilities. The term "bonds" shall also refer to any bonds, warrants, or other certificates of indebtedness authorized under the laws of the State of Alabama.

(b) "City" means any city in this state.

(c) "County" means any county in this state.

(d) "Authority" means any authority created pursuant to Act No. 547, H. 1176, 1965 Regular Session.

(e) "Delegate" means a person attending a national or regional convention or meeting in this state.

(f) "Eligible facilities" means any convention facilities owned by a city, county or entities or authorities thereof in which the bonds for the facilities are issued after the effective date hereof, or such facilities for which the construction, or substantial expansion, reconstruction, or renovation is completed after the effective date of this act.

(g) "Estimated investment multiplier" means the number of times initial expenditures by delegates will be respent on additional goods and services in this state, as determined in Section 4, paragraph (h) of this act.

(h) "National or regional meeting" means a meeting, convention, show or other function which is intended primarily for delegates from outside the state. For a meeting to qualify as a regional or national meeting, it must meet the criteria as determined for regional or national meetings by the International Association of Convention and Visitor Bureaus or as set by the State Director of Finance.

(i) "Revenue bonds" means bonds issued by a city, county or authority which are limited or special, rather than general obligations of the issuer and which are not payable from the proceeds of an ad valorem tax.

(j) "State assistance payments" means payments to a city, county or entities or authorities thereof, under this act.

(k) "Convention facilities" means any property, real, personal or mixed, which is necessary or desirable in connection with a convention or meeting center, or similar facility, including without limitation, auditoriums, exhibition halls, facilities for food preparation and serving, parking facilities, and administrative offices in connection therewith.

(l) "State lodging tax" or "state transient occupancy tax" means the tax levied and collected pursuant to Section 40-26-1, Code of Alabama 1975.

Section 4. (a) Any city, county or entities or authorities thereof may apply to the State Director of Finance for state assistance payments for any eligible facilities. The city, county or entities or authorities thereof shall file an initial application with the Director of Finance, which shall be in writing and shall describe: (i) the eligible facilities; (ii) the need for said facilities or the benefit therefrom; and (iii) the financing thereof, including the principal and interest payments for the bonds.

(b) The Director of Finance shall promptly review such initial application and shall notify the applicant of any additional information that may be necessary.

(c) After reviewing the initial application and upon reasonable notice to the applicant, the Director of Finance shall hold a public hearing on the application and maintain an official record of such hearing. He shall give notice of the time, place and purpose of the public hearing by publication one (1) time in a newspaper of general circulation within the boundaries of the applicant, not less than ten (10) days prior to the hearing.

(d) Within ninety (90) days after such public hearing, the Director of Finance shall: (i) determine whether the facilities described in the initial application are eligible facilities; (ii) notify the applicant of its determination; and (iii) if said facilities are determined to be eligible, approve such application

and immediately certify the same to the Governor and Joint Legislative Council of the Alabama Legislature.

(e) After the initial application has been approved, the city, county or entities or authorities thereof must establish a base number of convention delegates which shall be computed by taking an annual average number of convention delegates attending national and regional meetings in said city, county or the entity's or authority's region over the previous five-year period. For purposes of determining such base number, each county, city or entity or authority thereof is hereby authorized to require each hotel or motel to report quarterly to it the total number of convention delegates in attendance for any national or regional convention or meeting which utilizes 50 or more room nights per meeting. The city, county or entity or authority thereof shall then file an annual application with the Director of Finance, which shall estimate: (i) the number of additional delegates, over and above the base average number, who will patronize the eligible facilities during the year; (ii) their estimated expenditures; (iii) the estimated additional state lodging tax revenues to be derived as a result of the expenditures (taking into consideration the investment multiplier); (iv) the expected additional expense, if any, to the state; and (v) any other matters prescribed by the Director of Finance. The descriptions required by (i), (ii), and (iii) shall be supported by statistical surveys satisfactory to the Director of Finance.

(f) The Director of Finance shall review all such annual applications, determine the amount of state assistance payments that would be required under such estimates, as determined in Section 4, paragraph (i) herein, and shall include in the proposed budget to the Governor, a line item appropriation in such amount, and certify such amount to the state legislature; provided, however, that in no fiscal year shall the entire amount budgeted for all eligible facilities exceed three million dollars (\$3,000,000).

(g) From the net proceeds of the state transient occupancy tax proceeds levied pursuant to Section 40-26-21, Code of Alabama 1975, the provisions of Section 40-6-20, Code of Alabama 1975, to the contrary notwithstanding, the legislature shall appropriate annually such amount as it deems necessary and desirable to satisfy all such projected state assistance payments for the next fiscal year. In the first full fiscal year after the effective date of this act, this amount shall not exceed \$500,000; in the second fiscal year after the effective date of this act, this amount shall not exceed \$1,000,000; in the third fiscal year after the effective date of this act, this amount shall not exceed \$2,000,000; in the fourth fiscal year after the effective date of this act, this amount shall not exceed \$3,000,000; and in no subsequent fiscal year shall the amount budgeted ever exceed \$3,000,000. Such amounts shall be credited to the Convention Facilities Fund established pursuant to Section 5 of this act.

(h) Each city, county or entity or authority thereof that has filed an annual application for assistance payments for the current fiscal year shall file a request for state assistance payments with the State Department of Finance within 30 days after the end of each quarter during said fiscal year. The quarterly request shall include the actual number of delegates that patronized eligible facilities during the preceding quarter, the average number of days attendance for such delegates, and signed documentation from an executive of each group or association attesting to the number of delegates and the average number of days attendance. The quarterly request shall also include the delegates' average expenditures, the delegates' total estimated expenditures, taking into consideration the investment multiplier, the total

estimated additional state lodging tax revenues generated and the amount of state assistance payments requested by the city, county or entity or authority thereof for such quarter. The investment multiplier for each city, county or entity or authority thereof shall be determined by the Director of Finance with due consideration given to the opinion of the International Association of Convention and Visitor Bureau as to what the investment multiplier should be for such city, county or entity or authority thereof. The investment multiplier, as determined by the Director of Finance, shall be not greater than five (5).

(i) The amount of any state assistance payments to which each city, county or entity or authority thereof having filed an annual application hereunder shall be entitled, shall be an amount equal to two-thirds ($2/3$) of the total sum of additional state transient occupancy tax revenue, if any, generated in connection with such city, county or entity's or authority's eligible facility for the preceding quarter, as determined in Section 4, paragraph (h) above. The maximum amount of any city, county or entity's or authority's state assistance payments for any quarter shall be limited to fifty percent (50%) of the bond debt service requirements, including principal and interest, for the quarter for which such state assistance payments have been requested.

(j) In any fiscal year in which approved state assistance payments exceed the maximum allowed under Section 5(g), all participating cities, counties and entities or authorities thereof shall receive a pro rata share of the amount they would be due to receive otherwise hereunder. In the event state assistance payments are set aside in the Convention Facilities Fund and are unclaimed at the end of the fiscal year, such remaining funds shall revert to the fund to which the taxes would have otherwise been originally deposited.

Section 5. (a) There is hereby established in the State General Fund a fund to be known as the Alabama Convention Facilities Fund.

(b) State assistance payments authorized by this act shall be made to the participating city, county or entity or authority thereof by the State Comptroller within 30 days after the Director of Finance approves said city, county or entity or authority quarterly request.

Section 6. State assistance payments to cities, counties, and entities or authorities thereof, authorized by this act, shall be terminated when the bonds issued to finance said city, county or entity's or authority's eligible facilities are fully retired or when, in the instance the bonds are refinanced, at the date the original issue of such bonds would have reached its final maturity. Any monies then held by the cities or counties or entities or authorities thereof, derived from state assistance payments, shall be returned to the state and deposited into the account in the state treasury to which such funds would have otherwise originally been deposited.

Section 7. Nothing in this act shall be construed as authorizing the pledging of the faith and credit of the State of Alabama or any of its revenues, either for the performance of the obligations of the state under this act or for the payment of any bonds. Nothing herein, or in any agreement entered into pursuant to this act, shall be construed to require the legislature to make any appropriation pursuant to this act. It is the intent of the Legislature that any appropriation made pursuant to this act shall only be made from additional state lodging tax generated by eligible convention facilities as provided herein and that nothing herein, or in any agreement entered into pursuant to this act, shall be construed to un earmark any funds currently

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being collected and deposited in the General Fund pursuant to Section 40-26-20, Code of Alabama 1975.

Section 8. The payments provided for in this act shall apply only to debt service incurred pursuant to the provisions of this act. No payments or credits shall be allowed for any past debt service payments nor for any debt service payments beyond the date of the final interest and principal payment of the original issue of such bonds. Nothing herein shall restrict any city or county or entities or authorities thereof from refunding or refinancing such bonds within the original maturity schedule to take advantage of savings arising from such refunding or refinancing.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 2.

Yeas:

Senators:	deGraffenried	Hale	Manley
Bedford	Dixon	Hand	Parsons
Bedsole	Ellis	Hilliard	Preuitt
Bennett	Figures	Holmes	Sanders
Cabaniss	Foshee	Horn	Smith (B)
Campbell	Goodwin	Langford	Windom
Corbett			

—24

Nays:

Senators:	Bailey	Denton	
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—2

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 21. Relating to elections; to provide that certain counties shall conduct and complete purges of their voter registration lists by a certain date; to create and establish a state Voter Registration Advisory Board; to establish, operate and maintain a statewide voter registration file under a Director of Voter Registration as a service to county boards of registrars to assist them in updating their voter lists; to prescribe penalties for violations and to provide that this act shall be supplemental to existing election laws.

JIM SMITH,
Vice Chairperson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 570. Relating to Clay County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

JOHN W. PEMBERTON,
Clerk.

INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 84-775, the report of the Joint Interim Committee on County Government was read and ordered filed with the Secretary.

FURTHER CONSIDERATION OF S. B. 28

The Senate proceeded to further consideration of the Bill, S. B. 28, as amended by the substitute.

Senator Corbett offered the following amendment to the Bill, S. B. 28, as amended, to-wit:

AMENDMENT TO S. B. 28, AS AMENDED

Amend Senate Bill No. 28, as amended, Page 6 Line 5, after the figure "\$1,000,000" change the "," to a "."

and delete the remainder of line 5 and delete lines 6, 7, 8, 9, and delete line 10 up till the "."

also on page 5 line 28 delete "three million dollars (\$3,000,000) and insert in lieu thereof "one million dollars (\$1,000,000)

On motion of Senator Figures, said amendment was laid on the table.

Senator Bailey offered the following amendment to the Bill, S. B. 28, as amended, to-wit:

AMENDMENT TO S. B. 28, AS AMENDED

Amend Senate Bill No. 28, as amended, Page 6 Line 10, as follows: after the "period" add the following: "In no event, however, shall payments made to any city, county or entity or authority thereof in any one year exceed two-thirds of the growth in the total amount of state transient occupancy tax proceeds collected within the geographic boundaries of the entity or authority thereof over and above that amount of state transient occupancy tax proceeds collected within that entity in the year immediately prior to the construction of the facility."

On motion of Senator Figures, said amendment was laid on the table.

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Yeas 14; Nays 5.

Yeas:

Senators:	Campbell	Goodwin	Sanders	
Amari	deGraffenried	Hand	Smith (B)	
Bedsole	Dixon	Manley	Windom	
Cabaniss	Figures	Mitchem		—14

Nays:

Senators:	Bennett	Holmes	Langford	
Bailey	Corbett			—5

And said Bill, S. B. 28, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 16; Nays 9.

Yeas:

Senators:	Campbell	Hand	Preuitt	
Amari	deGraffenried	Holmes	Sanders	
Bedsole	Figures	Horn	Smith (B)	
Bennett	Goodwin	Mitchem	Windom	
Cabaniss				—16

Nays:

Senators:	Covington	Foshee	Langford	
Bailey	Dixon	Hale	Manley	
Corbett	Ellis			—9

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 570. Relating to Clay County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

JIM SMITH,
Vice Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, April 26, 1989, at 1 o'clock P.M., which motion was adopted.

Senator Corbett moved that the Senate reconsider the vote by which the motion to adjourn was adopted.

On motion of Senator Manley, the motion to reconsider was laid on the table.

Yeas 17; Nays 7.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Amari	Dixon	Hale	Mitchem	
Bailey	Ellis	Hand	Preuitt	
Bedsole	Figures	Horn	Smith (B)	
Bennett	Foshee			—17

Nays:

Senators:	Campbell	Holmes	Sanders	
Cabaniss	Corbett	Langford	Windom	—7

RECESS

At 5:45 P.M., on motion of Senator deGraffenried, the Senate took a recess until 8 o'clock this evening.

At 8 o'clock P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

QUORUM CALL REQUESTED

At 8:05 P.M., Senator Corbett requested that the President and Presiding Officer ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Yeas:

Senators:	Corbett	Ellis	Mitchem	
Bailey	Covington	Foshee	Preuitt	
Bedsole	deGraffenried	Goodwin	Rice	
Cabaniss	Denton	Hale	Smith (B)	
Campbell	Dixon	Manley		—18

UNFINISHED BUSINESS**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 31. To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

The question was on the substitute No. 2 offered by Senator Bedsole, which said substitute is set out in the Journal of the Senate for the Eighteenth Legislative Day.

Senator Corbett offered the following substitute for the substitute for the Bill, S. B. 31, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR S. B. 31

**A BILL
TO BE ENTITLED
AN ACT**

To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislature hereby declares that the threat of a spread of wildfire in our forest lands is a matter of major concern. The purpose of this act, therefore, is to provide forestry assistance and to secure the protection from, and the prevention of, forest fires. This act should be liberally construed to achieve these purposes.

Section 2. As used in this act, the following words shall have the meanings stated below, unless the context requires otherwise:

a. Commission. The Alabama Forestry Commission.

b. Forest Land. Any land which supports a forest growth or which is being used or reserved for any forest purpose and is classified as Class III forest property in Section 40-8-1 (b) (3), Code of Alabama 1975, but excludes land within the city limit of any incorporated municipality.

c. Owner. Any person who is engaged in and has an economic risk in the business of producing or causing to be produced, for market, forest or timber products.

d. Person. Any individual, partnership, corporation, company, society, or association, or other business entity.

e. Lessee. Any person who leases land for a period over five years for the purpose of producing or causing to be produced, for market, forest or timber products.

Section 3. The forestry and fire prevention program provided for in this act shall be administered by the Alabama Forestry Commission. The Commission shall have the authority to adopt such rules and regulations as it deems necessary to effectuate the purposes of this act.

Section 4. There is hereby levied in this state a finance charge, fee or assessment on forest land owned or leased by any person. Proceeds generated in each county shall be earmarked for use in the respective county where raised to provide for volunteer fire departments, forest fire protection, and similar forestry services within the county.

Section 5. The charge, fee, or assessment will be levied and collected in the same manner as ad valorem taxes are levied and collected. All revenues or monies collected under the provisions of this act shall be distributed by the office of the county tax collector, or person charged with the collection of taxes, to the Commission. The first assessment and collection of the levy

provided for herein shall be during and for the fiscal (tax) year beginning October 1 next following the satisfaction of all prerequisites required herein for imposition of the levy herein provided.

Section 6. a. The commission shall authorize a referendum among owners or lessees of forest land to determine whether an assessment shall be levied upon said owners or lessees to offset, in whole or in part, the cost of forestry and forest fire protection programs.

b. The assessment levied against each owner or lessee under this act shall be fifteen cents (\$.15) per acre of forest land owned. Of this assessment, five cents (\$.05) per acre of forest land owned shall be distributed on an equal basis to each volunteer fire department within the county in which the assessment is made. The Commission is hereby prohibited from levying an administrative or collection fee for said distribution.

c. All affected owners or lessees of forest land shall be entitled to vote in any such referendum. The Commission shall determine any questions of eligibility to vote and shall establish rules and regulations pertaining to the vote.

d. If a majority of those voting at the referendum vote in favor of the assessment, then the charge, fee or assessment shall be collected from the owners or lessees of forest land. The finance charge, fee or assessment levied by this act shall not be effective until a majority vote is obtained according to guidelines established by the Commission.

e. The finance charge, fee or assessment shall be due and payable at the same time as county ad valorem taxes. The assessments collected in each county under this act shall be promptly remitted to the Commission under such terms and conditions as the State Forester shall deem necessary to ensure that such assessments are used in a sound forestry program and for the prevention of and protection against forest fire.

f. With respect to any referendum conducted under the provisions of this article, the duly certified organization shall, not less than 30 days before the date of such referendum, cause to be published at least once a week for three weeks in a newspaper of county-wide circulation the date, hours, polling places and rules for voting in the referendum, the amount and basis of the assessment proposed to be collected, the means by which such assessment shall be collected, and the general purposes to which said amount so collected shall be expended and applied. Such notice shall be published by the certified organization through the medium of an established forestry publication and written notice therefore shall be given to each county agent and Alabama Forestry Commission supervisor in this state.

Section 7. The arrangements for the place, time and management of any referendum held under this act shall be under the direction of the Commission. The Commission shall bear all expenses incurred in conducting the referendum, including the furnishing of ballots and arranging for the necessary poll holders.

Section 8. In the event the referendum conducted under this act fails to receive the required number of affirmative votes, the Commission may call another referendum after the expiration of two years.

Section 9. a. An owner or lessee of forest land who fails to pay, upon reasonable notice, any assessment levied under this act shall, in addition to

the assessment, be subject to a per acre penalty as established by the Commission's rules and regulations.

b. Any finance charge, fee, or assessment levied shall constitute a lien on the property against which it is levied. In case of default in the payment of such finance charge, fee, or assessment, the subject land may be sold in the same manner and under the same conditions that lands are sold for the satisfaction of liens for county ad valorem taxes, provided, however, no sale of the subject land may occur within three years from the date of said default, and redemption from such sale may be effected in the same manner as is provided by law for redemption where land is sold for nonpayment of ad valorem taxes.

Section 10. Any county may, by local legislation, increase the amount of the finance charge, fee or assessment provided for in this act, but is hereby prohibited from decreasing said amount.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. Assessments, fees, or other charges collected as authorized under authority hereof shall not be considered as a tax within the meaning of the constitution of Alabama of 1901, or any provision of the Code of Alabama 1975.

Section 13. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the provisions of this act.

On motion of Senator Bedsole, further consideration of the Bill, S. B. 31, and pending substitutes, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 164, adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Langford
Bailey	Covington	Goodwin	Manley
Bedsole	deGraffenried	Hale	Mitchem
Bennett	Denton	Hand	Preuitt
Bishop	Dixon	Holmes	Smith (B)
Cabaniss	Ellis	Horn	Windom

—23

Nays:

—0

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 164. To make an appropriation of \$10,000 from the Alabama Special Educational Trust Fund to the Alabama Youth Legislature for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

And said Bill, H. B. 164, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Bailey	Covington	Goodwin	Mitchem	
Bedsole	deGraffenried	Hale	Preuitt	
Bennett	Denton	Hand	Rice	
Bishop	Dixon	Holmes	Smith (B)	
Cabaniss	Ellis	Horn	Windom	
Campbell	Figures	Langford		—26
<i>Nays:</i>				—0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 182, adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Langford	
Bailey	Covington	Goodwin	Manley	
Bedsole	deGraffenried	Hale	Mitchem	
Bennett	Denton	Hand	Preuitt	
Bishop	Dixon	Holmes	Smith (B)	
Cabaniss	Ellis	Horn	Windom	—23
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 182. To make an appropriation of \$115,000 from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Bailey	Covington	Goodwin	Mitchem	
Bedsole	deGraffenried	Hale	Preuitt	
Bennett	Denton	Hand	Rice	
Bishop	Dixon	Holmes	Smith (B)	
Cabaniss	Ellis	Horn	Windom	
Campbell	Figures	Langford		—26
<i>Nays:</i>				—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 188, adopted.

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Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Langford	
Bailey	Covington	Goodwin	Manley	
Bedsole	deGraffenried	Hale	Mitchem	
Bennett	Denton	Hand	Preuitt	
Bishop	Dixon	Holmes	Smith (B)	
Cabaniss	Ellis	Horn	Windom	—23

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 188. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

Senator Covington offered the following substitute for the Bill, H. B. 188, to-wit:

SUBSTITUTE FOR H. B. 188

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1990, the sum of one million five hundred forty-two thousand seven hundred fifty dollars (\$1,542,750) out of the funds in the Alabama Special Educational Trust Fund to be used for the support and maintenance of the Special Schools for Special Education and to be distributed by the State Board of Education as follows:

- | | |
|---|--------|
| (a) Butler County Training School for the
Mentally Retarded in Greenville | 25,875 |
| (b) Hope Haven School in Colbert County | 35,000 |
| (c) Montgomery Institute of Neurological Development | 25,875 |
| (d) Birmingham Training Center for
Brain-Injured Children | 36,225 |
| (e) Houston County Board of Education for the Vaughn-
Blumberg Center for the Developmentally Disabled | 51,750 |
| (f) Alice Pigman School | 77,625 |

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(g) Geneva County Day Care and Training Center	51,750
(h) McGraw Activity Center	51,750
(i) Dallas County Day Care and Training Center	51,750
(j) Calhoun County Community—"EDUCATION PAR EXCELLENCE"	51,750
(k) North Talladega County Association for Retarded Citizens, Inc.	25,875
(l) South Talladega County Association for Retarded Citizens, Inc.	25,875
(m) ECHO FOUNDATION	15,525
(n) Vivian B. Adams School	284,625
(o) McInnis School of Montgomery	414,000
(p) Alan Cott School	103,500
(q) Children's Hands-On Museum in Tuscaloosa	35,000
(r) Madison County Opportunities Center	25,000
(s) Madison Park Hope Center	20,000
(t) Dee Day School-Cherokee County	25,000
(u) Clay County Learning Center-Clay County	25,000
(v) Jackson-DeKalb County Special School for the Retarded at Northeast Junior College	39,000
(w) Valley Haven School	25,000
(x) Russellville City School for Multi- Handicapped Children	20,000

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1989-90, an operations plan for fiscal year 1988-89 and an audited financial statement for all operations during fiscal year 1987-88 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1989-90 funds following receipt of these reports.

Section 3. The provisions of this act are severable. If any section, paragraph, clause, provision, or item of this act be held unconstitutional, such declaration shall not affect any portion that remains.

Section 4. This Act shall become effective upon October 1, 1989.

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Amari	Covington	Goodwin	Mitchem
Bailey	deGraffenried	Hale	Preuitt
Bedsole	Denton	Hand	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Ellis	Horn	Smith (B)
Cabaniss	Figures	Langford	Windom
Campbell			

—28

Nays:

—0

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1575

And said Bill, H. B. 188, as thus amended by the substitute, was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Amari	Covington	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Preuitt	
Bedsole	Denton	Hand	Rice	
Bennett	Dixon	Holmes	Sanders	
Bishop	Ellis	Horn	Smith (B)	
Cabaniss	Figures	Langford	Windom	
Campbell				—28

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 193, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley	
Amari	Covington	Hale	Mitchem	
Bailey	deGraffenried	Hand	Preuitt	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 193. To make an appropriation from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Amari	Covington	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Preuitt	
Bedsole	Denton	Hand	Rice	
Bennett	Dixon	Holmes	Sanders	
Bishop	Ellis	Horn	Smith (B)	
Cabaniss	Figures	Langford	Windom	
Campbell				—28

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 201, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley	
Amari	Covington	Hale	Mitchem	
Bailey	deGraffenried	Hand	Preuitt	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Foshee			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 201. To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1990.

was taken up.

Senator Sanders offered the following amendment to the Bill, H. B. 201, to-wit:

AMENDMENT TO H. B. 201

Amend House Bill 201 on page 1, lines 21 and 22, by striking the following: "three hundred sixty-three thousand three hundred eighty-two dollars (\$363,382) and insert in lieu thereof "four hundred seventeen thousand eight hundred eighty-nine dollars (\$417,889)".

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Amari	Covington	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Preuitt	
Bedsole	Denton	Hand	Rice	
Bennett	Dixon	Holmes	Sanders	
Bishop	Ellis	Horn	Smith (B)	
Cabaniss	Figures	Langford	Windom	
Campbell				—28

Nays:

—0

And said Bill, H. B. 201, as thus amended, was read a third time at length and passed.

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1577

Yeas 28; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Amari	Covington	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Preuitt	
Bedsole	Denton	Hand	Rice	
Bennett	Dixon	Holmes	Sanders	
Bishop	Ellis	Horn	Smith (B)	
Cabaniss	Figures	Langford	Windom	
Campbell				—28

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 202, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley	
Amari	Covington	Hale	Mitchem	
Bailey	deGraffenried	Hand	Preuitt	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 202. To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1990.

was taken up.

Senator Rice offered the following amendment to the Bill, H. B. 202, to-wit:

AMENDMENT TO H. B. 202

Amend House Bill 202 on page 1, lines 21 and 22, by striking the following: "one hundred sixty-nine thousand five hundred seventy-eight dollars (\$169,578) and insert in lieu thereof "one hundred ninety-five thousand fourteen dollars (\$195,014)".

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Amari	Covington	Goodwin	Mitchem
Bailey	deGraffenried	Hale	Preuitt
Bedsole	Denton	Hand	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Ellis	Horn	Smith (B)
Cabaniss	Figures	Langford	Windom
Campbell			—28

Nays: —0

And said Bill, H. B. 202, as thus amended, was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Amari	Covington	Goodwin	Mitchem
Bailey	deGraffenried	Hale	Preuitt
Bedsole	Denton	Hand	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Ellis	Horn	Smith (B)
Cabaniss	Figures	Langford	Windom
Campbell			—28

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Horn, B. I. R., H. B. 191, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley
Amari	Covington	Hale	Mitchem
Bailey	deGraffenried	Hand	Preuitt
Bedsole	Denton	Holmes	Sanders
Bennett	Dixon	Horn	Smith (B)
Bishop	Ellis	Langford	Windom
Cabaniss	Foshee		—25

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 191. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1990.

was taken up.

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1579

Senator Corbett offered the following amendment to the Bill, H. B. 191, to-wit:

AMENDMENT TO H. B. 191

Amend House Bill 191 on page 1, lines 21 and 22, by striking the following: "one million four hundred sixty-three thousand two hundred nineteen dollars (\$1,463,219) and insert in lieu thereof "one million six hundred ninety-four thousand seven hundred ninety-two dollars (\$1,694,792)".

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Amari	Covington	Goodwin	Mitchem
Bailey	deGraffenried	Hale	Preuitt
Bedsole	Denton	Hand	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Ellis	Horn	Smith (B)
Cabaniss	Figures	Langford	Windom
Campbell			

—28

Nays: —0

And said Bill, H. B. 191, as thus amended, was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Amari	Covington	Goodwin	Mitchem
Bailey	deGraffenried	Hale	Preuitt
Bedsole	Denton	Hand	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Ellis	Horn	Smith (B)
Cabaniss	Figures	Langford	Windom
Campbell			

—28

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bishop, B. I. R., H. B. 220, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem
Amari	Covington	Hale	Preuitt
Bailey	deGraffenried	Hand	Sanders
Bedsole	Denton	Holmes	Smith (B)
Bennett	Dixon	Horn	Smith (J)
Bishop	Ellis	Langford	Windom
Cabaniss	Foshee	Manley	

—26

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 220. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1990.

was taken up.

Senator Bishop offered the following amendment to the Bill, H. B. 220, to-wit:

AMENDMENT TO H. B. 220

Amend House Bill 220 on page 1, lines 21 and 22, by striking the following: "four hundred thirty-six thousand fifty-nine dollars (\$436,059) and insert in lieu thereof "five hundred one thousand four hundred sixty-eight dollars (\$501,468)".

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Campbell	Foshee			—29

Nays: —0

And said Bill, H. B. 220, as thus amended, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Campbell	Foshee			—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Manley requested and received permission to suspend the Rules in order to bring up the following Bill:

Senator Manley, B. I. R., S. B. 284, adopted.

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Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Foshee	Manley		—26

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 284. Relating to the standards for fiduciary investment and management by adding a new Section 19-3-120.2 to Title 19, Chapter 3, Code of Alabama 1975, so as to provide that standards for fiduciary investments and management to be that of a prudent person; that the propriety of an investment decision is to be determined by what a fiduciary knew or should have known at the time of the decision; that determinations of responsibility for such decisions shall consider not only the performance of the particular investment, but also the performance of the portfolio as a whole; that a fiduciary is entitled to rely in good faith upon the express provisions of a governing instrument; that a fiduciary may hold property received by it in an account at its inception or subsequently added to it and that such property may include stock in the fiduciary if a corporation and stock in any corporation controlling, controlled by or under common control with the fiduciary; that a court may permit a fiduciary to deviate from the terms of a governing instrument; and that the provisions of this Act apply to all fiduciary relations now existing or hereafter created; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

was taken up.

Senator Manley offered the following amendment to the Bill, S. B. 284, to-wit:

AMENDMENT TO S. B. 284

Amend Senate Bill 284 as follows:

On page 1, line 22, after the word "decision;," strike the following: "that determinations of responsibility for such decisions shall consider not only the performance of the particular investment, but also the performance of the portfolio as a whole;"

And further amend,

On page 2, line 31, after the word "decision.," strike the following: "Any determination of liability for an investment decision shall consider not only the performance of a particular investment, but also the performance of the portfolio as a whole."

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Campbell	Foshee			—29

Nays: —0

And said Bill, S. B. 284, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Campbell	Foshee			—29

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Horn, B. I. R., H. B. 204, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Foshee	Manley		—26

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 204. To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1990.

was taken up.

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22nd Day

1583

Senator Preuitt offered the following amendment to the Bill, H. B. 204, to-wit:

AMENDMENT TO H. B. 204

Amend House Bill 204 on page 1, lines 20 and 21, by striking the following: "three hundred thirty-nine thousand one hundred fifty-seven dollars (\$339,157) and insert in lieu thereof "three hundred ninety thousand thirty-one dollars (\$390,031)".

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem
Amari	Covington	Hale	Preuitt
Bailey	deGraffenried	Hand	Rice
Bedsole	Denton	Holmes	Sanders
Bennett	Dixon	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Manley	Windom
Campbell	Foshee		

—29

Nays: —0

And said Bill, H. B. 204, as thus amended, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem
Amari	Covington	Hale	Preuitt
Bailey	deGraffenried	Hand	Rice
Bedsole	Denton	Holmes	Sanders
Bennett	Dixon	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Manley	Windom
Campbell	Foshee		

—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 206, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem
Amari	Covington	Hale	Preuitt
Bailey	deGraffenried	Hand	Sanders
Bedsole	Denton	Holmes	Smith (B)
Bennett	Dixon	Horn	Smith (J)
Bishop	Ellis	Langford	Windom
Cabaniss	Foshee	Manley	

—26

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 206. To make an appropriation for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1990.

was taken up.

Senator Preuitt offered the following amendment to the Bill, H. B. 206, to-wit:

AMENDMENT TO H. B. 206

Amend House Bill 206 on page 1, lines 22 and 23, by striking the following: "eighty-one thousand nine hundred seventy-nine dollars (\$81,979) and insert in lieu thereof "ninety-four thousand two hundred seventy-six dollars (\$94,276)".

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Campbell	Foshee			—29

Nays: —0

And said Bill, H. B. 206, as thus amended, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Campbell	Foshee			—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 203, adopted.

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Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Foshee	Manley		—26

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 203. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1990.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Campbell	Foshee			—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 205, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Foshee	Manley		—26

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 205. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1990 for educational purposes.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem
Amari	Covington	Hale	Preuitt
Bailey	deGraffenried	Hand	Rice
Bedsole	Denton	Holmes	Sanders
Bennett	Dixon	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Manley	Windom
Campbell	Foshee		

—29

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B. I. R., H. B. 207, adopted.

Yeas 26; Nays 1.

Yeas:

Senators:	Campbell	Goodwin	Mitchem
Amari	Covington	Hale	Preuitt
Bailey	deGraffenried	Hand	Sanders
Bedsole	Denton	Holmes	Smith (B)
Bennett	Dixon	Horn	Smith (J)
Bishop	Ellis	Langford	Windom
Cabaniss	Foshee	Manley	

—26

Nay: Senator Parsons

—1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 207. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year 1989-90 and to require an operations plan and audited financial statement prior to release of any funds; to require the condition of the donation of certain student tickets; to require the continuation of student discounts; and to require the reversion of funds appropriated upon certain violations of the provisions of this act.

was taken up.

Senator Parsons offered the following amendment to the Bill, H. B. 207, to-wit:

AMENDMENT TO H. B. 207

Amend H. B. 207 on page 1, line 27 after the words "sum of" by striking the word "seven" and inserting in lieu thereof the word "five".

Further amend on page 1 by deleting line 28 in its entirety and inserting in lieu thereof the following: "hundred thousand dollars (\$500,000)"

On motion of Senator Dixon, said amendment was laid on the table.

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And said Bill, H. B. 207, was read a third time at length and passed.

Yeas 29; Nays 1.

Yeas:

Senators:	Corbett	Goodwin	Mitchem
Amari	Covington	Hale	Preuitt
Bailey	deGraffenried	Hand	Rice
Bedsole	Denton	Holmes	Sanders
Bennett	Dixon	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Manley	Windom
Campbell	Foshee		

—29

Nay: Senator Parsons —1

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 208, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem
Amari	Covington	Hale	Preuitt
Bailey	deGraffenried	Hand	Sanders
Bedsole	Denton	Holmes	Smith (B)
Bennett	Dixon	Horn	Smith (J)
Bishop	Ellis	Langford	Windom
Cabaniss	Foshee	Manley	

—26

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 208. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1990 for educational purposes.
was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem
Amari	Covington	Hale	Preuitt
Bailey	deGraffenried	Hand	Rice
Bedsole	Denton	Holmes	Sanders
Bennett	Dixon	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Manley	Windom
Campbell	Foshee		

—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 209, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Foshee	Manley		—26
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 209. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1990.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Campbell	Foshee			—29
<i>Nays:</i>				—0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 211, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Foshee	Manley		—26
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 211. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal

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year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Campbell	Foshee			—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 212, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Foshee	Manley		—26

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 212. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Hale	Parsons	
Bailey	deGraffenried	Hand	Preuitt	
Bedsole	Denton	Holmes	Rice	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Mitchem	Windom	
Campbell	Goodwin			—25

Nays: —0

Senator Parsons moved that the Senate reconsider the vote by which the Bill, H. B. 212, was passed.

On motion of Senator Bedsole, the motion to reconsider was laid on the table.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., H. B. 213, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Preuitt	
Bedsole	Denton	Hand	Rice	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Figures	Langford	Smith (J)	
Cabaniss	Goodwin	Mitchem	Windom	
Campbell				—20

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 213. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Hale	Parsons	
Bailey	deGraffenried	Hand	Preuitt	
Bedsole	Denton	Holmes	Rice	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Mitchem	Windom	
Campbell	Goodwin			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 214, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Foshee	Manley		—26

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 214. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Campbell	Foshee			—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 215, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Foshee	Manley		—26

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 215. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Campbell	Foshee			—29

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 216, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Foshee	Manley		—26

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 216. To make an appropriation to the Alabama Humanities Foundation for the fiscal year ending September 30, 1990 and to require an audited financial statement and operations plan prior to release of any funds.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Campbell	Foshee			—29

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 218, adopted.

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Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Foshee	Manley		—26

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 218. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Campbell	Foshee			—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 224, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Foshee	Manley		—26

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 224. To make an appropriation for the support and maintenance of Child Advocacy Centers for the fiscal year ending September 30, 1990 and

to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

On motion of Senator Hand, further consideration of the Bill, H. B. 224, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 234, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Foshee	Manley		—26

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 234. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1990.

was taken up.

On motion of Senator Horn, further consideration of the Bill, H. B. 234, was postponed subject to the call of the Chair.

FURTHER CONSIDERATION OF H. B. 224

The Senate proceeded to further consideration of the Bill, H. B. 224.

Senator Hand offered the following amendment to the Bill, H. B. 224, to-wit:

AMENDMENT TO H. B. 224

Amend House Bill 224 on page 1, by striking line 25 in its entirety and insert in lieu thereof the following:

“three hundred fifty thousand dollars (\$350,000) from the State”

Further amend on page 1, after line 37 by inserting the following:

“7. Care House—Bay Minette \$50,000”

Which was adopted.

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Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem
Amari	Covington	Hale	Preuitt
Bailey	deGraffenried	Hand	Rice
Bedsole	Denton	Holmes	Sanders
Bennett	Dixon	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Manley	Windom
Campbell	Foshee		

—29

Nays: —0

And said Bill, H. B. 224, as thus amended, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem
Amari	Covington	Hale	Preuitt
Bailey	deGraffenried	Hand	Rice
Bedsole	Denton	Holmes	Sanders
Bennett	Dixon	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Manley	Windom
Campbell	Foshee		

—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Langford requested and received permission to suspend the Rules in order to bring up the following Bill:

Senator Langford, B. I. R., S. B. 485, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem
Amari	Covington	Hale	Preuitt
Bailey	deGraffenried	Hand	Sanders
Bedsole	Denton	Holmes	Smith (B)
Bennett	Dixon	Horn	Smith (J)
Bishop	Ellis	Langford	Windom
Cabaniss	Foshee	Manley	

—26

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 485. To authorize and provide the procedure for employees of certain counties, cities and towns and members of the legislature to be covered under the state employees' health insurance plan; to provide for the payment of

the premiums for employees and their dependents and members of the legislature and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 485, to-wit:

AMENDMENT TO S. B. 485

On page 1, on line 9 after the word "employees", insert:

, officers and retiring employees

On page 1, on line 19 after the word "employees", insert:

, officers and retiring employees

On page 1, on line 22 after the word "employees", insert:

, officers and retiring employees

On page 2, on line 8 after the word "employee", insert:

, officer and retiring employee

On page 2, on line 13 after the word "employee", insert:

, officer and retiring employee

On page 2, on line 14 after the word "employee", insert:

, officer and retiring employee

On page 2, on line 18 after the word "employees", insert:

, officers and retiring employees

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem
Amari	Covington	Hale	Preuitt
Bailey	deGraffenried	Hand	Rice
Bedsole	Denton	Holmes	Sanders
Bennett	Dixon	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Manley	Windom
Campbell	Foshee		

—29

Nays:

—0

And said Bill, S. B. 485, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

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Yeas 13; Nays 7.

Yeas:

Senators:	Denton	Horn	Preuitt
Campbell	Foshee	Langford	Rice
Corbett	Goodwin	Manley	Smith (B)
Covington	Holmes		

—13

Nays:

Senators:	Bennett	deGraffenried	Hand
Bedsole	Cabaniss	Dixon	Windom

—7

FURTHER CONSIDERATION OF H. B. 234

The Senate proceeded to further consideration of the Bill, H. B. 234.

Senator Horn offered the following amendment to the Bill, H. B. 234, to-wit:

AMENDMENT TO H. B. 234

Amend House Bill 234 on page 1, line 25, after the word "Fund" by inserting the following:

"and there is also hereby appropriated the Commission's Federal and Local Funds".

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem
Amari	Covington	Hale	Preuitt
Bailey	deGraffenried	Hand	Rice
Bedsole	Denton	Holmes	Sanders
Bennett	Dixon	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Manley	Windom
Campbell	Foshee		

—29

Nays:

—0

Senator Horn then offered the following amendment No. 2 to the Bill, H. B. 234, as amended, to-wit:

AMENDMENT NO. 2 TO H. B. 234, AS AMENDED

Amend House Bill 234, as amended, on page 1, after line 25 by inserting the following:

"Of the above appropriation to the Commission on Physical Fitness, \$30,000 shall be expended for the Alabama Sports Festival."

Further amend House Bill 234, as amended, on page 1, after line 37 by inserting the following new Section 4 and re-number the following Sections accordingly:

"Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains."

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Campbell	Foshee			—29

Nays: —0

And said Bill, H. B. 234, as thus amended, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Campbell	Foshee			—29

Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 284. Relating to the standards for fiduciary investment and management by adding a new Section 19-3-120.2 to Title 19, Chapter 3, Code of Alabama 1975, so as to provide that standards for fiduciary investments and management to be that of a prudent person; that the propriety of an investment decision is to be determined by what a fiduciary knew or should have known at the time of the decision; that a fiduciary is entitled to rely in good faith upon the express provisions of a governing instrument; that a fiduciary may hold property received by it in an account at its inception or subsequently added to it and that such property may include stock in the fiduciary if a corporation and stock in any corporation controlling, controlled by or under common control with the fiduciary; that a court may permit a fiduciary to deviate from the terms of a governing instrument; and that the provisions of this Act apply to all fiduciary relations now existing or hereafter created; to provide for severability of the provisions of this Act;

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to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

JIM SMITH,
Vice Chairperson.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 164. To make an appropriation of \$10,000 from the Alabama Special Educational Trust Fund to the Alabama Youth Legislature for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 182. To make an appropriation of \$115,000 from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 28. To create and establish the "Alabama Convention Facilities Act"; to authorize the legislature to appropriate certain sums from the state transient occupancy tax proceeds to the cities and counties building eligible facilities in order to assist in the payment of the debt service on bonds issued in connection with such facilities; to define the powers and responsibilities of the Director of Finance, the State Treasurer, and the cities and counties; to authorize payments, based on legislative appropriations; and to establish the "Convention Facilities Fund."

JIM SMITH,
Vice Chairperson.

REPORTS OF COMMITTEES

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following

bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Venable:

H. 54. To create the Flexible Employee Benefits Board and to provide that such board, with the approval of the Governor, may establish a flexible benefit plan for State employees that will constitute a "Cafeteria Plan" under the Internal Revenue Code of 1986, as amended (Section 125 and any other applicable sections), that will provide employees a means of providing themselves medical and other benefits in a tax-effective manner by allowing employees a choice between cash and qualified benefits.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Newton (D) (With Substitute):

H. 58. To amend Sections 41-16-20 and 41-16-24, Code of Alabama 1975, relating to competitive bidding on public contracts, so as to provide further for the minimum amount of certain purchases and contracts that must be subjected to competitive bid procedures.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Hale, Smith (J), and Barron (With Amendment):

S. 411. To further provide for the tax liability of certain retailers who rely on legally issued state tax exempt numbers when users violate the tax exempt privilege; to authorize the state department of revenue to collect the tax from the user of the tax exemption number and certain others; to specifically provide that certain retailers are exempt from the tax liability.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. McDowell, McClain, and Davis:

H. 514. Providing that any elected assistant district attorney shall receive all entitlements enumerated in Title 12, Chapter 17, Article 6 of the Code of Alabama 1975.

By Senator Foshee:

S. 511. To amend further Code of Alabama 1975, Section 32-5-313, relating to penalties for traffic infractions which provide funding for the driver education and training fund and the Alabama Traffic Safety Center Fund, so as to increase the penalty and to provide further for the expenditures of funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following

bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Breedlove, Clark (J), Blakeney, Butler, Venable, White (F), Carter, Thomas, Laird, Fuller, Adams, Headley, Buskey (JL), Bryant, Beasley, Carothers, Johnson (RG), Biddle, Freeman, Mathis, Hall, Cosby, Harper, Hammett, and Buskey (JE) (With Amendment):

H. 950. To amend Act 88-824, so as to extend amnesty for payment of ad valorem taxes on tangible personal property by revising the date for filing, assessment, and payment of taxes to June 30, 1989.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Rains, Cosby, Gray, Davis, Hall, Moon, Escott, Colvin, Butler, Mikell, Starkey, McMillan, Burke, Carter, Ford, Rogers, McDowell, McClain, Johnson (RW), Melton, Clark (J), Freeman, Sanderford, Harvey, Warren, Flowers, Adams, Logan, Richardson, Penry, Hamilton, Hooper, Parker, Newton (C), Beasley, Mathis, Frazier, Hogan, Goodwin, Wright, and Dillard:

H. 946. To amend Section 16-33-4 of the Code of Alabama 1975, relating to benefits for dependents of blind parents, so as to provide further for such benefits.

By Reps. Turnham and Laird:

H. 157. Proposing an amendment to Article IV, Section 98, Constitution of Alabama, to provide that the legislature shall have the power to provide that elected superintendents of education shall be eligible to participate in the Teachers' Retirement System of Alabama as the legislature may see fit.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Turnham and Laird:

H. 156. Providing for elected superintendents of education to participate in the teachers' retirement system upon ratification of an amendment to the Constitution of Alabama 1901 allowing such elected superintendents to participate in such retirement system.

By Senator Hilliard:

S. 671. To provide retirement allowances from general funds of municipalities for certain former elected officials of municipalities in the state.

By Senator Corbett:

S. 670. To provide that any adult may, without payment of tax, produce limited amounts of beer and wine for personal or family use and not for sale.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with

substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Dixon (With Substitute):

S. 349. To reopen the Employees' Retirement System of Alabama for purchase of certain military service credit; to provide that as a prerequisite to attaining such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama; and to provide for its termination.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Starkey, Marks, Zoghby, and Seibels:

H. 147. This bill amends Sections 11-51-201, 11-51-203, 40-12-4, 40-23-101, 40-23-102, 40-23-104, 40-23-107 and 40-29-115, Code of Alabama 1975, which relates to the collection of certain sales and use taxes, so as to provide that the county tax collector shall collect municipal gross receipts or sales taxes and county sales taxes on sales made by a person or firm other than a licensed dealer of any automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer required to be registered or licensed with the probate judge, authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location; to require the county tax collector to collect the municipal and county use taxes authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location, on sales of the aforesaid vehicles made by dealers doing business outside the state of Alabama and on sales made by licensed Alabama dealers where municipal and county sales taxes were not collected at the time of purchase; to provide procedures to be used in the collection of said taxes; to provide for the distribution of revenues collected hereunder; to provide for a fee to be paid to the tax collector for such services; and to provide penalties for noncompliance.

By Reps. Johnson (RG), Carothers, and Beasley:

H. 141. To amend further sections 16-25-14 and 36-27-16, Code of Alabama 1975, relating to retirement benefits under the Teachers' and Employers' Retirement Systems, so as to provide for disability retirement in cases of service retirement upon completion of twenty-five years of creditable service.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale (With Substitute):

S. 498. Establishing a communications bureau within the data systems management division of the department of finance; providing for the acquisition of telecommunications equipment, systems and related services on behalf of state agencies; prescribing procedures for such acquisition; authorizing the promulgation of rules and regulations; and prescribing powers and duties.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Figures:

S. 579. To authorize the governing body of any county in this state and any participating municipality to establish public corporations to acquire, enlarge, improve, replace, own, lease and dispose of properties to the end that such corporations may develop land as sites for industrial parks, including provisions for water, sewage, drainage, transportation, power and communication facilities and other similar facilities incidental to the use of land as an industrial park and to vest in such corporations all powers necessary to enable them to accomplish such purposes.

By Rep. Ford:

H. 450. To amend Section 5-17-8, Code of Alabama 1975, so as to grant to the Administrator of the Alabama Credit Union Administration the power to order a credit union to cease and desist from certain activities, to suspend individuals from participating in the affairs of a credit union and to establish procedures to appeal such orders to the Board of the Alabama Credit Union Administration; amends Section 5-17-18, Code of Alabama 1975, so as to prohibit late charges for any credit union loan not calculated on a simple interest basis; and amends the credit union laws so as to prohibit specific acts which would be prohibited if credit unions were subject to the prohibited acts provisions of state banking laws; providing penalties for violation of this act.

By Reps. Freeman, Hall, White (L), Fuller, Richardson, Williams, and Moon:

H. 494. To amend Section 33-5-17, Code of Alabama 1975, as last amended, relating to classification of vessels and registration fees, so as to increase certain registration fees; and to provide that certain amounts of said fees shall be dedicated to and utilized for the repair of public boat ramps and launching areas.

By Rep. Breedlove:

H. 676. To amend Sections 24-7-1, 24-7-2, 24-7-3, and 24-7-4, Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to define the term "reservation," provide further for the appointment of members of the Authority, delete the reference to the Civil Rights Act of 1968, and provide further for the duties, powers and area of operation of the Authority.

By Reps. Williams, Layson, Mikell, Grouby, Holley, Laird, Richardson, Parker, White (L), and Hall:

H. 731. To amend Section 1-3-8 of the Code of Alabama 1975, relating to holidays observed by the state, so as to provide further for such holidays.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a

favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (B):

S. 682. To provide for the creation of a public corporation to be known as the "Alabama Supercomputer Authority" for the purpose of acquiring, developing and administering a state-wide supercomputer and related telecommunications system for use by governmental agencies, educational institutions and private-sector businesses and industries; to provide a procedure for incorporation; to provide for the management of the public corporation by a board of directors; to confer upon the public corporation certain powers and authorities; to provide for the appointment of a chief executive officer and staff; that the Authority will retain no intellectual property rights in products, processes, etc., developed through utilization of the system; to provide for the privacy, security and confidentiality of data maintained in the system; to transfer certain assets to the Authority; to provide for the collection and use of funds by the Authority; to provide for the tax-exempt treatment of the Authority and require it to operate as a nonprofit corporation; and to provide for the dissolution of the Authority.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hand:

S. 677. To amend Section 17-4-131, Code of Alabama 1975, relating to the names of deceased persons furnished to boards of registrars, so as to provide further for what information shall be furnished, to provide that said information shall be furnished to all county boards of registrars and to require affected boards of registrars to purge said names from the registration lists within a certain time.

By Senator Hand:

S. 678. To require the Department of Public Safety to provide certain information to boards of registrars on persons acquiring drivers' licenses outside of the state; to authorize the boards of registrars to delete the names of said persons from voter registration lists; and to provide for certain exemptions for persons in the armed forces.

By Senator Hand:

S. 679. To provide that the bureau of vital statistics shall furnish to the boards of registrars a list of previously deceased persons.

By Rep. Haynes:

H. 555. To amend Sections 32-13-1, 32-13-2, 32-13-3 and 32-13-4, Code of Alabama 1975, which relate to the removal of abandoned vehicles from privately owned property, so as to provide for notice by publication and certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and to provide for a hearing if the vehicle is abandoned and should be sold.

By Rep. Breedlove:

H. 677. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless

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checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis (With Notice and Proof):

S. 675. Relating to Shelby County, providing further for the duties of the judge of probate.

By Senator Ellis (With Notice and Proof):

S. 687. To amend Act No. 82-693 passed by the Alabama Legislature and approved by the Governor (as amended by Act No. 84-454) which provides for the creation and establishment of the Shelby County Planning Commission, so as to further provide for membership, organization, authority and function of the Shelby County Planning Commission.

By Reps. McMillan and Penry (With Notice and Proof):

H. 845. Relating to Baldwin County; to amend Act No. 609, H. 1167 of the 1900-1901 Legislature of Alabama levying a special tax within constitutional limits to sustain them to provide for the support of the public schools of Baldwin County, so as to add a new section 10 which partially suspends the tax so long as a certain sales tax, levied by ordinance, is effective.

By Rep. Grouby (With Notice and Proof):

H. 974. Relating to Autauga County; to create a license-issuing division within the judge of probate's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; and to transfer certain duties and responsibilities now performed by the tax assessor and tax collector to said probate office.

By Rep. Knight (With Notice and Proof):

H. 996. Relating to Bibb County; to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county; to provide for collection of said tax by the state revenue department; to distribute the net proceeds of said tax to the county general fund; to provide for termination of the tax unless continued at a referendum; and to repeal Act No. 88-877 of the 1988 Regular Session.

By Rep. Headley (With Notice and Proof):

H. 1001. Relating to Bibb County, providing for a special recording fee for each document filed for record in the office of the probate judge and providing for the distribution of such fees.

By Rep. Newton (C) (With Notice and Proof):

H. 1015. To authorize the Butler County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Zoghby (With Notice and Proof):

H. 908. Relating to Mobile County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

By Rep. Zoghby (With Notice and Proof):

H. 907. Relating to the City of Mobile; providing further for cost-of-living increases for persons retired from the city board of health.

By Rep. Harper (With Notice and Proof):

H. 143. Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

FURTHER CONSIDERATION OF S. B. 31

The Senate proceeded to further consideration of the Bill, S. B. 31. The question was on the Corbett substitute for the Bedsole substitute.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 148

S. J. R. 149

S. J. R. 163

Delivered to the Governor April 25, 1989, at 1:34 P.M.

S. B. 601

S. J. R. 171

Delivered to the Governor April 25, 1989, at 2:45 P.M.

S. B. 570

Delivered to the Governor April 25, 1989, at 5:47 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 10:10 P.M., on motion of Senator Corbett, in accordance with Motion heretofore adopted, and pending further consideration of the Bill, S. B. 31, the Senate adjourned until Wednesday, April 26, 1989, at 1 o'clock P.M.

TWENTY-THIRD LEGISLATIVE DAY

WEDNESDAY, APRIL 26, 1989

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Mr. Charles Moore, Deacon, Hall Memorial C.M.E. Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Myron Perry, St. Jude High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Corbett	Foshee	Mitchem
Amari	Covington	Goodwin	Parsons
Bailey	deGraffenried	Hale	Preuitt
Barron	Denton	Hand	Rice
Bedford	Dial	Hilliard	Sanders
Bedsole	Dixon	Holmes	Smith (B)
Bennett	Drinkard	Horn	Smith (J)
Bishop	Ellis	Langford	Windom
Campbell	Figures	Manley	

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JOURNAL

On motion of Senator Corbett, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Twenty-second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Corbett, leave of absence was granted Senator Cabaniss for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 177. To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county and the voters within the corporate limits of any municipality in the county, on the question of whether the act will become effective.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 177, without the Governor's signature and with a suggested Executive Amendment.

Done this 25th day of April, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 177, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 177:

Please amend House Bill No. 177 by making the following changes:

(1) Page 1, lines 28-30 and page 2, lines 1-5, by deleting the following language:

“three (3) members appointed as follows: The current representative serving in the Alabama House of Representatives District 22 shall appoint

one (1) member for a term of four (4) years; the current representative serving in the Alabama House of Representatives District 23 shall appoint one (1) member for a term of five (5) years; the current senator serving in the Alabama Senate District 8 shall appoint one (1) member for a term of six (6) years.”, and insert in lieu thereof the following:

“three (3) members appointed as follows: the legislative delegation representing Jackson County shall jointly appoint two (2) members, one member for a term of four (4) years, and one member for a term of five (5) years; the Jackson County Commission shall appoint a third member for a term of six (6) years.”

(2) On page 7, line 26, after the designation “Section 10.” insert the following language: “All books, records, maps, documents, and papers of the Racing Commission shall constitute public records, and be available for copying, examining and inspecting during all normal business hours by any agency, official, or person.”

(3) On page 17, line 33, after the word “effect.”, insert the following language: “However, even if the majority of the votes cast in the entire county are “YES,” no license shall be issued to operate a greyhound race track facility within the limits of any Jackson County municipality where, in such referendum, the majority of the votes cast within that municipality were “NO.”

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 25th day of April, 1989.

Respectfully,

GUY HUNT,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 177, by a vote of a majority of those voting, said vote being: Yeas 49, Nays 33.

And said Bill, H. B. 177, together with the Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR’S MESSAGE

Senator Barron moved that the Senate concur in and adopt the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 177, the title of which and said Executive amendment are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 509. Relating to Dekalb County; authorizing and providing for the incorporation of the Dekalb County Water Authority as a public corporation

for the purposes of: coordinating and allocating funds received by grants or appropriations for public water extensions; adopting standards by which funds are allocated for public water extensions within areas of the county; coordinating waterline extensions with existing water authorities within the county so that duplication will not occur; coordinating plans for acquisition or construction of filtration plants, water plants, storage tanks, waterlines and pumping stations for economical and efficient distribution of water within the county; providing water in areas where no public water systems provide such service, or coordinating through existing water authorities the extension of waterlines to areas not previously served; determining which existing water authority shall have the right to serve areas of the county not presently served by a public water authority or whether such area may be served by the Dekalb County Water Authority; permitting and authorizing merger of existing water systems or authorities with Dekalb County Water Authority with the merged entity becoming responsible for the bonded indebtedness of such water authorities; authorizing the same powers granted herein pertaining to water and its supply, to garbage and sewer service; providing for and authorizing the certificate of incorporation and bylaws of such authority to be amended at any time and from time to time; providing for the appointment and election of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems, garbage or sewer facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water, garbage or sewer service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system or other property to such authority providing that the rendition by such authority of water, sewer or garbage service or facilities is a governmental function and exempting such authority from all tort liability in connection with water, sewer or garbage service; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Also:

S. 592. To alter and rearrange the boundary lines of the City of Demopolis, Marengo County, Alabama, so as to include within the corporate limits of said city, in addition to the present territory included within the corporate limits, certain other territory.

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 485. To authorize and provide the procedure for employees, officers and retiring employees of certain counties, cities and towns and members of the legislature to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees, officers and retiring employees and their dependents and members of the legislature and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

BILL DRINKARD,
Chairperson.

FURTHER CONSIDERATION OF EXECUTIVE AMENDMENT TO H. B. 177

The Senate proceeded to further consideration of the Executive amendment to the Bill, H. B. 177. The question was on the motion of Senator Barron that the Senate concur in and adopt the Executive amendment.

Senator Sanders offered a substitute motion that the Senate non-concur in the Executive amendment.

Senator Figures offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move to carry over the motion to non-concur in the Executive amendment to House Bill 177 and House Bill 177 and all the pending motions to the 30th Legislative Day.

On motion of Senator Sanders, said Motion in Writing was laid on the table.

Yeas 17; Nays 3.

Yeas:

Senators:	deGraffenried	Hale	Parsons
Barron	Dial	Holmes	Preuitt
Bedsole	Ellis	Manley	Sanders
Campbell	Foshee	Mitchem	Windom
Corbett	Goodwin		

Nays:

Senators: Amari Figures Langford —3

Senator Sanders then offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move to carry over the motion to non-concur, the pending motions and the Executive amendment to the 29th Legislative Day.

On motion of Senator Barron, said Motion in Writing was laid on the table.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 388. Relating to state aid to agricultural fairs; to amend Section 2-7-20, Code of Alabama 1975, which defines terms used in this article by removing the definition of county, regional and state fairs and allowing the board to determine categories of fairs; to amend Section 2-7-23, Code of Alabama 1975, which limits expense expenditures by deleting county and regional fairs; to amend Section 2-7-28, Code of Alabama 1975, setting up special merit awards by allowing these awards to be paid for each category of fairs; to amend Section 2-7-29, Code of Alabama 1975, providing for limitations of the amount which fairs will receive so as to remove said limitations; to amend Section 2-7-31, Code of Alabama 1975, setting up the Special Awards Committee by deleting the limitation on the amount of per diem the members can receive.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 365. To provide that full-time employees and executive officers of the Alabama state employees' association, the Alabama retired state employees' association and the state employees' credit union may elect to become members of the teachers' retirement system of Alabama; to provide that said entities and their employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state, and to provide for purchase of certain previous service credit in such system.

JOHN W. PEMBERTON,
Clerk.

**FURTHER CONSIDERATION OF EXECUTIVE AMENDMENT TO
H. B. 177**

The Senate proceeded to further consideration of the Executive amendment to the Bill, H. B. 177. The question was on the substitute motion by Senator Sanders that the Senate non-concur in the Executive amendment.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 73. To amend Section 8-9-2, Code of Alabama 1975, so as to provide that commitments or agreements to lend money or delay or forbear repayment thereof or modify the provisions thereof be in writing; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

JOHN W. PEMBERTON,
Clerk.

**FURTHER CONSIDERATION OF EXECUTIVE AMENDMENT TO
H. B. 177**

The Senate proceeded to further consideration of the Executive amendment to the Bill, H. B. 177. The question was on the substitute motion by Senator Sanders that the Senate non-concur in the Executive amendment.

On motion of Senator Figures, further consideration of the substitute motion, was postponed subject to the call of the Chair.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton (With Notice and Proof):

S. 698. Relating to the City of Tuscumbia in Colbert County; waiving certain city taxes on certain annexed farm land.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 698, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Figures:

S. 699. To amend section 41-10-233, Code of Alabama 1975, which relates to Africatown, U.S.A., so as to correct a typographical error in the land description.

Committee on Governmental Affairs.

By Senator Windom:

S. 700. To amend Section 36-29-1, Code of Alabama 1975, which defines "employee" for state employees' health insurance purposes, so as to include employees of the USS Alabama Battleship Commission within said definition.

Committee on Finance and Taxation.

By Senator Hand (With Notice and Proof):

S. 701. Relating to Baldwin County; amending Act No. 80-497, H. 1059, 1980 Regular Session (Acts 1980, p. 769), authorizing the county commission

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to establish and designate historic districts in the county so as to provide further for definitions; applications and requirements for historic district and preservation district designations; enlarging designated historic district or preservation district; rescinding historic district or preservation district designation; and applications and requirements for rescission.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 701, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hand (With Notice and Proof):

S. 702. Relating to Orange Beach in Baldwin County, so as to alter, rearrange and extend the boundary lines and corporate limits of the Town of Orange Beach.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 702, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hand (With Notice and Proof):

S. 703. Relating to the Town of Orange Beach in Baldwin County; to alter and rearrange the boundary lines and corporate limits of the Town of Orange Beach by removing certain parcels of land; and to further alter and rearrange the said boundary lines and corporate limits of Orange Beach by adding certain parcels of land, subject to the referendum election approval by a majority of the electors residing within the territory proposed to be brought within.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 703, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Windom:

S. 704. To prescribe procedures that will provide easy public access to the voting records of members of the Legislature.

Committee on Business and
Labor Relations.

By Senator Figures:

S. 705. To amend Sections 28-3-43 and 28-8-8, Code of Alabama 1975, relating to the sale of table wines by the Alcoholic Beverage Control Board, so as to eliminate such sales.

Committee on Finance and Taxation.

By Senator Figures (With Notice and Proof):

S. 706. Relating to Mobile County and the practice of barbering; amending Sections 8 and 14 of Act No. 678, H. 1364 of the 1961 Regular Session

entitled "An Act Regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof in all counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census," (1961 Acts, p. 952), relating to renewal of licenses and fees charged and collected by the Board of Barber Commissioners so as to provide further for requirements for license renewals and fees to be charged and collected by the said board.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 706, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 707. To authorize the pension board established by Act Number 393 of the 1975 Regular Session of the Legislature of Alabama for officers and employees of library boards in cities having a population of 300,000 or more according to the 1970 or any subsequent census, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other person's dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said pension board shall be authorized to increase such benefits.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 707, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 708. Relating to Jefferson County, to limit the amount of occupational license fees which can be levied or collected by the county government.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 708, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Foshee:

S. 709. To further provide for insurance fees and taxes; to raise revenue and to that end to repeal Section 27-4-4, relating to foreign insurers, and Section 27-4-6, Code of Alabama 1975, as amended by Act No. 88-875, H. 310 of the First Special Session 1988, relating to such annual taxes on

certain marine and transportations insurers; to amend further Section 27-4-5, Code of Alabama 1975, as amended, relating to domestic insurance, so as to provide a phase-in of equal rates of premium tax to be paid annually by foreign and domestic insurance companies; to provide no provision shall be construed severably; and to prescribe an effective date, retroactively.

Committee on Economic Affairs.

**FURTHER CONSIDERATION OF EXECUTIVE AMENDMENT TO
H. B. 177**

The Senate proceeded to further consideration of the Executive amendment to the Bill, H. B. 177. The question was on the substitute motion by Senator Sanders that the Senate non-concur in the Executive amendment.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 509. Relating to Dekalb County; authorizing and providing for the incorporation of the Dekalb County Water Authority as a public corporation for the purposes of: coordinating and allocating funds received by grants or appropriations for public water extensions; adopting standards by which funds are allocated for public water extensions within areas of the county; coordinating waterline extensions with existing water authorities within the county so that duplication will not occur; coordinating plans for acquisition or construction of filtration plants, water plants, storage tanks, waterlines and pumping stations for economical and efficient distribution of water within the county; providing water in areas where no public water systems provide such service, or coordinating through existing water authorities the extension of waterlines to areas not previously served; determining which existing water authority shall have the right to serve areas of the county not presently served by a public water authority or whether such area may be served by the Dekalb County Water Authority; permitting and authorizing merger of existing water systems or authorities with Dekalb County Water Authority with the merged entity becoming responsible for the bonded indebtedness of such water authorities; authorizing the same powers granted herein pertaining to water and its supply, to garbage and sewer service; providing for and authorizing the certificate of incorporation and bylaws of such authority to be amended at any time and from time to time; providing for the appointment and election of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems, garbage or sewer facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water, garbage or sewer service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant

to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system or other property to such authority providing that the rendition by such authority of water, sewer or garbage service or facilities is a governmental function and exempting such authority from all tort liability in connection with water, sewer or garbage service; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Also:

S. 592. To alter and rearrange the boundary lines of the City of Demopolis, Marengo County, Alabama, so as to include within the corporate limits of said city, in addition to the present territory included within the corporate limits, certain other territory.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 365. To provide that full-time employees and executive officers of the Alabama state employees' association, the Alabama retired state employees' association and the state employees' credit union may elect to become members of the teachers' retirement system of Alabama; to provide that said entities and their employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state, and to provide for purchase of certain previous service credit in such system.

Also:

S. 388. Relating to state aid to agricultural fairs; to amend Section 2-7-20, Code of Alabama 1975, which defines terms used in this article by removing the definition of county, regional and state fairs and allowing the board to determine categories of fairs; to amend Section 2-7-23, Code of Alabama 1975, which limits expense expenditures by deleting county and regional fairs; to amend Section 2-7-28, Code of Alabama 1975, setting up special merit awards by allowing these awards to be paid for each category of fairs; to amend Section 2-7-29, Code of Alabama 1975, providing for limitations of the amount which fairs will receive so as to remove said limitations; to amend Section 2-7-31, Code of Alabama 1975, setting up the Special Awards Committee by deleting the limitation on the amount of per diem the members can receive.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF EXECUTIVE AMENDMENT TO H. B. 177

The Senate proceeded to further consideration of the Executive amendment to the Bill, H. B. 177. The question was on the substitute motion by Senator Sanders that the Senate non-concur in the Executive amendment.

On motion of Senator Figures, further consideration of the substitute motion, was postponed subject to the call of the Chair.

RESOLUTION

Senators Bedsole, Figures, Windom, Hand, and Amari requested and received permission to offer the following Senate Joint Resolution, to-wit:

S. J. R. 176. COMMENDING PAUL S. TIPTON, S. J., FOR DISTINGUISHED SERVICE AS PRESIDENT OF SPRING HILL COLLEGE, MOBILE, ALABAMA.

WHEREAS, Birmingham native, Paul S. Tipton, S. J., currently serves as the twenty-third president of Spring Hill College, having assumed the office in 1972 at the age of 33 to become the youngest president of a Jesuit college in the nation and one of the youngest college presidents in the United States; and

WHEREAS, President Tipton, who has announced his retirement, will complete 17 years of service to Spring Hill College at the close of the spring semester and, during this distinguished tenure, the college has prospered significantly in all areas; and

WHEREAS, notable among his accomplishments were the reorganization of the administration, the rewriting of the Charter and Bylaws of the college,

the establishment of an expanded Board of Trustees and the initiation of an evaluation program for faculty and administrators; and

WHEREAS, he also instituted an office for Long-range Planning, established three graduate programs as well as a satellite campus for graduate studies in Jackson, Mississippi, and has overseen a major renovation and construction program for the college's physical facilities; and

WHEREAS, other accomplishments of his tenure include the quadrupling of the size of the permanent endowment of the college, the initiation of a new semester-abroad program, and the development of a curriculum with a strong core requirement for all students, among numerous other programs of positive change and development; and

WHEREAS, President Tipton's leadership has indeed left a lasting mark on Spring Hill College in Mobile, and we are grateful for his contributions and legacy to Alabama's oldest college; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished service as president of Spring Hill College for the past 17 years, we hereby commend Paul S. Tipton, S. J., for whom a copy of this resolution of highest honor shall be provided.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF EXECUTIVE AMENDMENT TO H. B. 177

The Senate proceeded to further consideration of the Executive amendment to the Bill, H. B. 177. The question was on the substitute motion by Senator Sanders that the Senate non-concur in the Executive amendment.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 62. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON HEALTH INSURANCE FOR STATE EMPLOYEES AND TEACHERS.

Also:

S. J. R. 140. COMMENDING CHARLOTTE DRAPER OF VALLEY ELEMENTARY SCHOOL, PELHAM, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 165. HONORING HIS EMINENCE ARCHBISHOP IAKOVOS, PRIMATE OF THE GREEK ORTHODOX CHURCH OF NORTH AND SOUTH AMERICA.

Also:

S. J. R. 167. MOURNING THE DEATH OF JACK SEALS OF TALLADEGA, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

**FURTHER CONSIDERATION OF EXECUTIVE AMENDMENT TO
H. B. 177**

The Senate proceeded to further consideration of the Executive amendment to the Bill, H. B. 177. The question was on the substitute motion by Senator Sanders that the Senate non-concur in the Executive amendment.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Johnson (RW), White (L), and Turner:

H. 1011. To propose a constitutional amendment to validate certain prior acts and actions taken pursuant to certain laws regulating costs and charges of court; and to prohibit retroactive levy and collection of said costs and charges.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1011—to the Committee on State Development and Tourism

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 193. To make an appropriation from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 203. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1990.

Also:

H. 205. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1990 for educational purposes.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 207. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year 1989-90 and to require an operations plan and audited financial statement prior to release of any funds; to require the condition of the donation of certain student tickets; to require the continuation of student discounts; and to require the reversion of funds appropriated upon certain violations of the provisions of this act.

Also:

H. 208. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1990 for educational purposes.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 215. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

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Also:

H. 216. To make an appropriation to the Alabama Humanities Foundation for the fiscal year ending September 30, 1990 and to require an audited financial statement and operations plan prior to release of any funds.

Also:

H. 218. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 209. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1990.

Also:

H. 211. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 212. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 213. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 214. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending Sep-

tember 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF EXECUTIVE AMENDMENT TO H. B. 177

The Senate proceeded to further consideration of the Executive amendment to the Bill, H. B. 177. The question was on the substitute motion by Senator Sanders that the Senate non-concur in the Executive amendment.

On motion of Senator Figures, further consideration of the substitute motion, was postponed subject to the call of the Chair.

RESOLUTION

Senator Langford requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 177. CONGRATULATING MARGARET ELMORE, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Margaret Elmore, a resident of Montgomery, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Margaret Elmore, a member of St. Jude Catholic Church, has been active in her parish and community; she has served on the boards of Catholic Social Services, the boards of the Montgomery Deanery and the Archdiocesan Council of Catholic Women, the Catholic Black Caucus; and she has been an active member in the Alpha Kappa Alpha Society and the Ladies Auxiliary of the Knights of Peter Claver, and she is a retired language teacher in the Montgomery County School System; and her life has been faith filled in service to others for the betterment of her church and community; and

WHEREAS, Margaret Elmore has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an inspiration for others to reach out to the needs of others and her family life has been exemplary; and she has received many community honors, the most recent of which was being named as one of 11 "Women of Achievement of 1988" in Montgomery, Alabama; for her work with Meals on Wheels and the Montgomery Area Council on Aging; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate

Lady Margaret Elmore, Montgomery, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Margaret Elmore, Montgomery, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF EXECUTIVE AMENDMENT TO H. B. 177

The Senate proceeded to further consideration of the Executive amendment to the Bill, H. B. 177. The question was on the substitute motion by Senator Sanders that the Senate non-concur in the Executive amendment.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 73. To amend Section 8-9-2, Code of Alabama 1975, so as to provide that commitments or agreements to lend money or delay or forbear repayment thereof or modify the provisions thereof be in writing; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

S. J. R. 62. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON HEALTH INSURANCE FOR STATE EMPLOYEES AND TEACHERS.

Also:

S. J. R. 140. COMMENDING CHARLOTTE DRAPER OF VALLEY ELEMENTARY SCHOOL, PELHAM, ALABAMA.

Also:

S. J. R. 165. HONORING HIS EMINENCE ARCHBISHOP IAKOVOS, PRIMATE OF THE GREEK ORTHODOX CHURCH OF NORTH AND SOUTH AMERICA.

Also:

S. J. R. 167. MOURNING THE DEATH OF JACK SEALS OF TALLADEGA, ALABAMA.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF EXECUTIVE AMENDMENT TO H. B. 177

The Senate proceeded to further consideration of the Executive amendment to the Bill, H. B. 177. The question was on the substitute motion by Senator Sanders that the Senate non-concur in the Executive amendment.

On motion of Senator Sanders, further consideration of the substitute motion, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Turnham:

H. J. R. 379. COMMENDING SKIP HINTON FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

By Reps. Brooks and Sanderford:

H. J. R. 381. COMMENDING THE GRISSOM HIGH SCHOOL LADY TIGERS VOLLEYBALL TEAM FOR ITS EXCELLENT SEASON AND STATE CHAMPIONSHIP TITLE.

Also:

By Rep. White (G):

H. J. R. 382. COMMENDING SANDRA VELLA, COMMUNITY EDUCATION COORDINATOR, HOMEWOOD CITY SCHOOLS, FOR THE ESTABLISHMENT OF A MODEL EXTENDED-DAY PROGRAM FOR CHILDREN.

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Also:

By Reps. Williams and Holley:

H. J. R. 383. MOURNING THE DEATH OF ROBERT M. PAUL OF ENTERPRISE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Mitchem, the Rules were suspended and the Resolutions, H. J. R.'s 379, 381, 382, and 383, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**FURTHER CONSIDERATION OF EXECUTIVE AMENDMENT TO
H. B. 177**

The Senate proceeded to further consideration of the Executive amendment to the Bill, H. B. 177. The question was on the substitute motion by Senator Sanders that the Senate non-concur in the Executive amendment.

Senator Sanders offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move to carry over the motion to non-concur, all pending motions and the Executive amendment to the 26th Legislative Day and H. B. 177.

On motion of Senator Figures, further consideration of the Motion in Writing, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Blake:

H. J. R. 320. COMMENDING COACH LARRY SLATER OF PELL CITY HIGH SCHOOL.

Also:

By Rep. Beasley:

H. J. R. 324. MOURNING THE DEATH OF MR. ANDREW BOYER RUDD OF DOTHAN, ALABAMA.

Also:

By Reps. Cosby and Zoghby:

H. J. R. 325. CONGRATULATING MARGARET "MAGGIE" HICKS, SELMA, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

By Reps. Cosby and Zoghby:

H. J. R. 326. CONGRATULATING OLA BLEVINS, SELMA, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, H. J. R.'s 320, 324, 325, and 326, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

RESOLUTIONS

Senator Amari requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

S. R. 178. COMMENDING EDITH DELORME OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Which was filed.

Senator Figures requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

S. R. 179. CONGRATULATING MRS. MINNIE TURNBO OF WHISTLER, ALABAMA, ON THE OCCASION OF HER 108TH BIRTHDAY.

Which was filed.

Senator Sanders requested and received permission to suspend the Rules in order to offer the following Senate Resolutions, to-wit:

S. R. 180. COMMENDING THE PARAMOUNT HIGH SCHOOL FOOTBALL TEAM ON THEIR OUTSTANDING 1988 FOOTBALL SEASON.

Also:

S. R. 181. COMMENDING MS. LAVERNE O'REAR OF LOWNDES COUNTY, ALABAMA.

Which were filed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 214. To amend Section 7-4-104(1)(c), Code of Alabama 1975, relating to bank deposits and collections, so as to provide that Saturday is not a "banking day" for purposes of Title 7, Article 4; to provide for severability of the provisions of this Act; and to provide for an effective date.

JOHN W. PEMBERTON,
Clerk.

REPORTS OF COMMITTEES

Senator Bishop, Chairperson of the Standing Committee on Natural Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedford:

S. 5. To amend Sections 9-17-1 and 9-17-33, Code of Alabama 1975, relating to oil and gas, so as to provide for a floating rate of interest on undistributed oil and gas revenues, to provide for distribution of royalty on gas produced from natural gas wells completed in reservoir or reservoirs of Paleozoic geologic age, including periodic cash balancing, to establish semi-annual balancing periods, to provide a procedure for such balancing, to require that certain accounting data be furnished and to provide for attorney's fees in certain royalty collection suits.

By Senators Hand and Bedsole:

S. 499. To amend Section 40-13-8, Code of Alabama 1975, so as to provide that the excise and privilege tax on coal shall terminate at the latest of the final maturity, redemption of and payment of all accrued interest on (i) bonds issued by the Alabama State Docks Department pursuant to Act No. 64 enacted at the 1971 First Special Session of the Legislature of Alabama, (ii) any obligations issued to refund any of the bonds issued pursuant to that Act or (iii) any obligations issued to refund any obligations described in clause (ii).

By Senator Bedford:

S. 668. To amend Section 9-17-33, Code of Alabama 1975, relating to the disposition of oil and gas proceeds, so as to provide for a floating rate of interest on undistributed oil and gas revenues, the furnishing of certain accounting data and for attorney's fees in certain royalty collection suits.

By Reps. Harper and Marietta:

H. 543. In the event that the Board of Water and Sewer Commissioners of any city ("Commissioners") takes over a Water and Fire Protection Authority's ("Authority") water system, to prohibit the Commissioners from charging customers located within the Authority's territory at rates or for connection fees in excess of the rates or fees charged to customers within the city limits; to increase the membership of the Commissioners' governing board to include the members of the Authority's governing board; to require the Commissioners to establish a \$2,000,000 trust fund for the support and maintenance of the Authority's fire protection system and to provide for the management of said trust; to require the Commissioners to establish an \$8,000,000 escrow account for the purpose of constructing water service improvements within a certain time in the Authority's territory; and to require the Commissioners to construct a sanitary sewer system within a certain time throughout the Authority's territory; and to except the application of this act if the governing board of the authority consents to said acquisition, operation or control of the water system by the commissioners.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and

ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Slaughter, McClain, White (G), Beers, Gray, Newton, Payne, Davis, Rogers, Spratt, Hill, Curry, Logan, Wright, and Petelos:

H. 405. To exempt from all state, county and municipal sales taxes the sale of food pursuant to the food distribution program conducted by Christian Service Mission, Inc., in cooperation with World Share, Inc.

Senator Rice, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Rice:

S. 636. To establish a new regulatory and licensing board for the practice of Cosmetology and Barbering; to create the Alabama Board of Cosmetology and Barbering; to provide for suspension and revocation of licenses; to prescribe penalties for certain violations; and to repeal Chapters 5 and 7 of Title 34, Code of Alabama 1975, relating to barbers and cosmetologists.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Corbett (With Notice and Proof):

S. 692. Relating to Macon County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

By Rep. Richardson (With Notice and Proof):

H. 102. Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

By Reps. Hill and Knight (With Notice and Proof):

H. 1012. Relating to Shelby County; authorizing the county commission to provide an increase in county salary supplement for each circuit judge and district attorney within the eighteenth judicial circuit and each Shelby County district judge.

By Senator Bedford (With Notice and Proof):

S. 691. Relating to Fayette County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Fayette County; and providing for a referendum.

By Rep. McKee (With Notice and Proof):

H. 611. Relating to Montgomery County; pertaining to the Retirement System for Employees of Montgomery County; to amend Section 7 of Act No. 356 of the Legislature of Alabama of 1973 to increase the maximum retirement allowance credit from 30 to 40 years of creditable service; to

amend Section 1 of Act No. 618 of the Legislature of Alabama of 1977 to equalize the re-employment repayment provisions for the restoration of creditable service credit; to amend Section 1 of Act No. 724 of the Legislature of Alabama of 1981 to increase the maximum annual service retirement allowance from 12 times sixty per centum to 12 times eighty per centum of the members' average monthly compensation, to reduce the creditable service required for vesting from 15 to 10 years and to remove special retirement restrictions for members who have attained the age of 70.

By Rep. Holmes (With Notice and Proof):

H. 919. Relating to Montgomery County; amending Section 1 of Act No. 87-748, H. 1051 of the 1987 Alabama Legislature (Acts 1987, p. 1472), providing for the release of certain persons from legal custody who own equitable interest in real estate of the county, so as to further provide for persons who can post bail or appeal bonds using certain real estate equitable interest.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following bill has been placed on the Consent Calendar for today, to-wit:

By Rep. White (L):

H. 113. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1988 Regular Session of the legislature, as contained in the 1988 Cumulative Supplement to the Code of Alabama 1975; and to make certain corrections in such cumulative supplement.

FURTHER CONSIDERATION OF EXECUTIVE AMENDMENT TO H. B. 177

The Senate proceeded to further consideration of the Executive amendment to the Bill, H. B. 177. The question was on the Motion in Writing offered by Senator Sanders to carry over the motion to non-concur, all pending motions and the Executive amendment to the 26th Legislative Day and H. B. 177.

Senator Sanders moved that further consideration of the Motion in Writing, be postponed temporarily, which motion was lost.

The question recurred on the Motion in Writing by Senator Sanders to carry over the motion to non-concur, all pending motions and the Executive amendment to the 26th Legislative Day and H. B. 177.

On motion of Senator Barron, said Motion in Writing was laid on the table.

The question recurred on the substitute motion by Senator Sanders that the Senate non-concur in the Executive amendment.

Senator Figures offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move to carry over the motion to non-concur, pending motions and the Executive amendment to the 25th Legislative Day on H. B. 177.

On motion of Senator Barron, said Motion in Writing was laid on the table.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 214. To amend Section 7-4-104(1)(c), Code of Alabama 1975, relating to bank deposits and collections, so as to provide that Saturday is not a "banking day" for purposes of Title 7, Article 4; to provide for severability of the provisions of this Act; and to provide for an effective date.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 379. COMMENDING SKIP HINTON FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

H. J. R. 381. COMMENDING THE GRISSOM HIGH SCHOOL LADY TIGERS VOLLEYBALL TEAM FOR ITS EXCELLENT SEASON AND STATE CHAMPIONSHIP TITLE.

Also:

H. J. R. 382. COMMENDING SANDRA VELLA, COMMUNITY EDUCATION COORDINATOR, HOMEWOOD CITY SCHOOLS, FOR THE ESTABLISHMENT OF A MODEL EXTENDED-DAY PROGRAM FOR CHILDREN.

Also:

H. J. R. 383. HOUSE JOINT RESOLUTION MOURNING THE DEATH OF ROBERT M. PAUL OF ENTERPRISE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 320. COMMENDING COACH LARRY SLATER OF PELL CITY HIGH SCHOOL.

Also:

H. J. R. 324. MOURNING THE DEATH OF MR. ANDREW BOYER RUDD OF DOTHAN, ALABAMA.

Also:

H. J. R. 325. CONGRATULATING MARGARET "MAGGIE" HICKS, SELMA, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 326. CONGRATULATING OLA BLEVINS, SELMA, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF EXECUTIVE AMENDMENT TO H. B. 177

The Senate proceeded to further consideration of the Executive amendment to the Bill, H. B. 177. The question was on the substitute motion by Senator Sanders that the Senate non-concur in the Executive amendment.

Senator Sanders then moved that further consideration of the Bill, H. B. 177 and pending substitute motion, be postponed until Thursday, April 27, 1989, until 11:30 A.M., at which time a vote will be taken, which motion was adopted.

MOTION TO ADJOURN

Senator Manley moved that when the Senate adjourns today, it adjourn to meet again on Thursday, April 27, 1989, at 11 o'clock A.M., which motion was adopted.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 182. COMMENDING JOANN CHRISTOPHER OF LIMESTONE COUNTY.

Also:

S. R. 183. MOURNING THE DEATH OF W. D. GREENHAW OF ATHENS, ALABAMA.

Also:

S. R. 184. COMMENDING BILLY BURGEE OF LIMESTONE COUNTY.

Which were filed.

MOTION IN WRITING

Senator Cabaniss offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 338, on page 114 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 338, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Senator Hand offered the following Senate Joint Resolution, to-wit:

S. J. R. 185. COMMENDING DR. GARY L. BRANCH, PRESIDENT OF FAULKNER STATE JUNIOR COLLEGE IN BAY MINETTE, ALABAMA.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama takes formal note of the distinguished career of Dr. Gary L. Branch of Bay Minette, Alabama; and

WHEREAS, Dr. Branch was recently honored by Phi Theta Kappa at its annual convention in Atlanta, Georgia, with the prestigious "Bennett Distinguished President Award" for 1989; and

WHEREAS, Phi Theta Kappa is the only nationally recognized honor fraternity for America's junior colleges and its membership selected Dr. Branch as the most outstanding junior college president in the nation; and

WHEREAS, in addition to serving as President of James A. Faulkner State Junior College—a position he has held since 1981—his numerous community contributions include serving as Past President of North Baldwin County Chamber of Commerce, Past Chairman of United Way, Board of Directors of Baldwin County Cancer Society, Bay Minette Revitalization Committee, Past Chairman of Save the Terminal Committee, Past President of Fayette County Heart Association, Fayette Park and Recreation Authority, Past President of Troy Recreation and Day Care Board, Past President of Parent Teacher Association, Little League Baseball Coach, County Mental Health Association and Past Chairman of Sustaining Membership Drive for Boy Scouts of America; and

WHEREAS, Dr. Branch is a prominent and influential leader in the civic, social and religious life of his city and he is particularly interested in local projects for young people; and

WHEREAS, a recital of his many accomplishments would be incomplete without the inclusion of the many contributions which he has made to the thousands of students whose lives have been influenced by his teaching and wise counsel, and who will long remember his many personal kindnesses and quiet understanding; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend and congratulate Dr. Gary L. Branch, of Bay Minette, Alabama, for outstanding professional achievement and upon his recent well-deserved honor.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to Dr. Branch as a mere token of our high esteem and warmest personal regard.

On motion of Senator Hand, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Holmes, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Horn, Langford, Manley, Mitchem, Parsons, Preuit, Rice, Sanders, Smith (B), Smith (J), and Windom offered the following Senate Resolution, to-wit:

S. R. 186. CONGRATULATING MR. AND MRS. BOB (TAMMY) MARSH ON THE BIRTH OF THEIR SON, DONAVAN JACOB MARSH.

Which was filed.

MOTION IN WRITING

Senator Manley offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 676, on page 165 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 676, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Senator Rice offered the following Senate Joint Resolution, to-wit:

S. J. R. 187. COMMENDING THE LOACHAPOKA HIGH SCHOOL INDIANS ON THEIR OUTSTANDING 1988-1989 BASKETBALL SEASON.

WHEREAS, in highest commendation, the Legislature of Alabama extends congratulations to Loachapoka High School on its spectacular 1988-1989 basketball season and the team's capture of the Class 1A State Championship; and

WHEREAS, the Indians' come-from-behind 61-58 victory over the Chambers County Lions on March 11, 1989, netted the school its second straight Class 1A championship; and

WHEREAS, under the skillful leadership of Coach Larry DiChiara and his Assistant Coaches Terry Murph and Dwight Howard, the Loachapoka Indians posted a phenomenal 30-5 overall season record, a performance that reflects the dedication and will-to-win spirit of the school; and

WHEREAS, contributing greatly to the Loachapoka's 1988-1989 season were Indians Walter Pitts, Henry Yancey, Bo Pitts, Merrell Warren, Lopez Dowdell, Andre Hutchinson, Carl Williams, Nick Porter, Calvin Crabb, David Dumas, Charlie Matthews, Johnny Jackson, and Demetric Tyson; Trainers Doug Jones and Lonnie Love, also played a big part in Indians' success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Larry DiChiara, his staff and Loachapoka High School on their outstanding basketball season, and direct that copies of this resolution be forwarded to George Ervin, principal, and T. C. Britton, Jr., superintendent, for appropriate presentation and school display.

On motion of Senator Rice, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedsole, Windom, Hand, and Figures offered the following Senate Joint Resolution, to-wit:

S. J. R. 188. NAMING THE HUMAN RESOURCE CENTER AT SEARCY HOSPITAL IN MOUNT VERNON, ALABAMA, THE "DR. E. L. MCCAFFERTY, SR., HUMAN RESOURCE CENTER."

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes the distinguished service rendered by the McCafferty Family of Mount Vernon, Alabama, to Searcy Hospital; and

WHEREAS, during the lengthy tenure of some 83 years with Searcy Hospital, the McCafferty's Family, Dr. E. L. McCafferty, Sr., was the first on-site superintendent and served in that capacity from 1903 until his death in 1946; and

WHEREAS, during Dr. McCafferty's superintendency another noted Alabama physician, Dr. George Searcy made medical history at Searcy Hospital by making the first diagnosis of Italian pellagra from descriptions of symptoms affecting the hospital's patients; and

WHEREAS, Dr. McCafferty, appointed to his position of superintendent by Dr. George Searcy's father, Dr. James T. Searcy, was actively involved in the pellagra research; and

WHEREAS, he corresponded with Dr. George Washington Carver and Dr. Carver sent peanut oil to the hospital to be used in the treatment of Italian pellagra which proved to be effective; and

WHEREAS, continuing the benevolence and contributions of his father, Dr. E. L. McCafferty, Jr., began his association with Searcy as a surgical consultant on a "call as needed" basis under Dr. Harry S. Rowe, superintendent at the death of the senior Dr. McCafferty in 1946; and

WHEREAS, in 1970, Dr. McCafferty, Jr., began visiting the hospital each week as a surgical consultant and performing routine surgeries at the hospital until the mid-1970's when regular surgery was initiated; and

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WHEREAS, in 1971, Dr. McCafferty, Jr., established the Searcy Chapel Fund, Inc., and with his efforts and a community campaign to raise funds for the chapel, the chapel was completed and dedicated in December, 1975; and

WHEREAS, in 1981, the scope of the Chapel Fund Foundation was expanded and renamed the Friends of Searcy Hospital Foundation, Inc., of which Dr. McCafferty, Jr., served as chairman until his retirement from the board in December, 1988; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Human Resource Center at Searcy Hospital in Mount Vernon, Alabama, is hereby named and designated as the "Dr. E. L. McCafferty, Sr., Human Resource Center."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said facility as the "Dr. E. L. McCafferty, Sr., Human Resource Center."

RESOLVED FURTHER, That a copy of this resolution be forwarded to Dr. E. L. McCafferty, Jr., as a memento of this honorary designation of the Alabama Legislature.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

MOTIONS IN WRITING

Senator Manley offered the following Motions in Writing, to-wit:

I move that the Bill, H. B. 854, on page 126 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, H. B. 58, on page 155 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, H.B.'s 854 and 58, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Foshee offered the following Motions in Writing, to-wit:

I move that the Bill, H. B. 985, on page 112 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, H. B. 989, on page 113 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, H.B.'s 985 and 989, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Bedsole offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 950, on page 157 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 950, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Senator Mitchem offered the following Senate Resolutions, to-wit:

S. R. 189. COMMENDING EDWARD N. SCRUGGS FOR DISTINGUISHED JUDICIAL SERVICE.

Also:

S. R. 190. COMMENDING OUR STATE'S SCHOOL TEACHERS.

Which were filed.

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 565, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Langford	
Amari	Denton	Hale	Manley	
Bailey	Dial	Hand	Mitchem	
Barron	Dixon	Hilliard	Parsons	
Bennett	Drinkard	Holmes	Smith (B)	
Bishop	Ellis	Horn	Smith (J)	
Campbell	Foshee			—25

Nays:

—0

BILLS ON THIRD READING

THE BILL:

S. 565. Relating to Pike County; separating the office of the judge of probate from the chairmanship of the county commission pursuant to Constitutional Amendment 503 to the Constitution of 1901; providing for the compensation of such officers and transferring the duties, authority, records, assets and funds of such officers; and providing for the effective date.

WHEREAS, the people of Pike County have spoken, by ratifying Act No. 88-308, H. 894 of the 1988 Regular Session on November 8, 1988, which act became Constitutional Amendment 503 to the Constitution of 1901, and approved the Pike County Government Modernization Amendment; and

WHEREAS, Amendment No. 503 to the Constitution of 1901, prescribes, in part, that the office of the judge of probate and the chairmanship of the county commission shall be separated; transferring duties, records, assets and funds of such offices; providing for the qualifications and election procedures and compensation for such chairman and the judge of probate, and the effective date; now therefore,

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was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Langford	
Amari	Denton	Hale	Manley	
Bailey	Dial	Hand	Mitchem	
Barron	Dixon	Hilliard	Parsons	
Bennett	Drinkard	Holmes	Smith (B)	
Bishop	Ellis	Horn	Smith (J)	
Campbell	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Hale, B. I. R., H. B. 38, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Amari	deGraffenried	Hale	Mitchem	
Bailey	Denton	Hilliard	Parsons	
Barron	Dial	Holmes	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Drinkard	Langford	Windom	
Campbell	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 38. Relating to Morgan County; providing for minimum compensation for the bailiffs of said county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Amari	deGraffenried	Hale	Mitchem	
Bailey	Denton	Hilliard	Parsons	
Barron	Dial	Holmes	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Drinkard	Langford	Windom	
Campbell	Ellis			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 500, adopted.

Yeas 25; Nays 0.

Yeas:

Sensors:	Covington	Goodwin	Langford	
Amari	Denton	Hale	Manley	
Bailey	Dial	Hand	Mitchem	
Barron	Dixon	Hilliard	Parsons	
Bennett	Drinkard	Holmes	Smith (B)	
Bishop	Ellis	Horn	Smith (J)	
Campbell	Foshee			—25

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 500. Relating to Pike County; repealing Act No. 87-760, H. 853, Regular Session 1987 (Acts 1987, p. 1481) entitled, "An Act Relating to Pike County; levying certain additional court costs and providing that the proceeds shall be utilized for the establishment of a legislative delegation office."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Sensors:	Covington	Goodwin	Langford	
Amari	Denton	Hale	Manley	
Bailey	Dial	Hand	Mitchem	
Barron	Dixon	Hilliard	Parsons	
Bennett	Drinkard	Holmes	Smith (B)	
Bishop	Ellis	Horn	Smith (J)	
Campbell	Foshee			—25

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Covington, B. I. R., S. B. 530, adopted.

Yeas 25; Nays 0.

Yeas:

Sensors:	Covington	Foshee	Horn	
Amari	Denton	Goodwin	Langford	
Bailey	Dial	Hale	Manley	
Barron	Dixon	Hand	Mitchem	
Bennett	Drinkard	Hilliard	Sanders	
Bishop	Ellis	Holmes	Smith (J)	
Campbell	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 530. Relating to the City of Eutaw in Greene County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw; to provide that the act shall become operative only if approved by affected electors and to provide for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Horn
Amari	Denton	Goodwin	Langford
Bailey	Dial	Hale	Manley
Barron	Dixon	Hand	Mitchem
Bennett	Drinkard	Hilliard	Sanders
Bishop	Ellis	Holmes	Smith (J)
Campbell	Figures		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 562, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley
Amari	Denton	Hale	Mitchem
Bailey	Dial	Hilliard	Sanders
Barron	Dixon	Holmes	Smith (B)
Bennett	Drinkard	Horn	Smith (J)
Bishop	Ellis	Langford	Windom
Campbell	Figures		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 562. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county effective October 1, 1988.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley
Amari	Denton	Hale	Mitchem
Bailey	Dial	Hilliard	Sanders
Barron	Dixon	Holmes	Smith (B)
Bennett	Drinkard	Horn	Smith (J)
Bishop	Ellis	Langford	Windom
Campbell	Figures		

—25

Nays:

—0

THE BILL:

S. 617. To propose an amendment to the Constitution of Alabama 1901 for Wilcox County to provide further for filling vacancies in certain county offices.

On motion of Senator Sanders, further consideration of the Bill, S. B. 617, was indefinitely postponed.

THE BILL:

S. 618. To propose an amendment to the Constitution of Alabama 1901 for Sumter County to provide further for filling vacancies in certain county offices.

On motion of Senator Sanders, further consideration of the Bill, S. B. 618, was indefinitely postponed.

Senator Manley requested and received permission to suspend the Rules in order to bring up the following Bill.

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 563, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Manley
Amari	Denton	Hale	Parsons
Bailey	Dial	Hand	Preuitt
Barron	Dixon	Hilliard	Sanders
Bennett	Drinkard	Holmes	Smith (B)
Bishop	Ellis	Horn	Smith (J)
Campbell	Foshee		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 563. Providing for a local salary supplement for the district judges of the 17th judicial circuit; providing that any local salary supplement provided for said judges by this act shall be in lieu of all local salary supplements and expense allowances heretofore provided by law for said judges; prescribing the methods for determining and funding the local salary supplement provided by this act for said judges; and repealing Act No. 81-1059, H. 6, 1981 Second Special Session.

was taken up.

Senator Manley offered the following substitute for the Bill, S. B. 563, to-wit:

SUBSTITUTE FOR S. B. 563**A BILL
TO BE ENTITLED
AN ACT**

Providing for a local salary supplement for the district judges of the 17th judicial circuit; providing that any local salary supplement provided for

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said judges by this act shall be in lieu of all local salary supplements and expense allowances heretofore provided by law for said judges; prescribing the methods for determining and funding the local salary supplement provided by this act for said judges; and repealing Act No. 81-1059, H. 6, 1981 Second Special Session.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Each district court judge of the 17th judicial circuit shall receive a local salary supplement in the amount to be determined under the provisions of Sections 2 and 3 of this act. The local salary supplement provided by this act for said judges shall be in lieu of all local salary supplements and expense allowances heretofore provided by law for the district judges of the 17th judicial circuit.

Section 2. The amount of the local salary supplement provided by this act for the district judges of the 17th judicial circuit shall be determined as follows:

(a) Upon completion of six consecutive years of service as a district judge, said judge shall be eligible for a local salary supplement in an amount equal to ten percent (10%) of the annual salary paid to said judge by the state.

(b) Upon completion of fifteen consecutive years of service as a district judge, said judge shall be eligible for a local salary supplement in an amount equal to twenty percent (20%) of the annual salary paid to said judge by the state.

The appropriate local salary supplement shall be paid to said judges for each year of continuous consecutive service as a district judge of the 17th judicial circuit. Such local salary supplement shall be paid from the general fund of the respective county in which the judge resides and shall be paid in equal monthly installments.

Section 3. The district judge of Greene County currently serving on the effective date of this act shall, in lieu of the salary supplement provided in Section 2 of this act, receive an expense allowance in the amount of two hundred and fifty dollars (\$250.00) per month until May 30, 1991, at which time the expense allowance shall terminate and thereafter the district judge of Greene County shall be subject to the provisions of Section 2 of this act. Said expense allowance shall be payable from the Greene County general fund.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed and specifically Act No. 81-1059, H. 6, 1981 Second Special Session, is repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 13; Nays 0.

Yeas:

Senators:	Corbett	Hale	Manley	
Bailey	Covington	Hilliard	Mitchem	
Barron	Denton	Horn	Sanders	
Bennett	Drinkard			—13

Nays: —0

The President and Presiding Officer of the Senate declared a quorum was present but not voting.

And said Bill, S. B. 563, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Manley	
Amari	Denton	Hale	Parsons	
Bailey	Dial	Hand	Preuitt	
Barron	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Holmes	Smith (B)	
Bishop	Ellis	Horn	Smith (J)	
Campbell	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 619. To propose an amendment to the Constitution of Alabama 1901 for Perry County to provide further for filling vacancies in certain county offices.

On motion of Senator Covington, further consideration of the Bill, S. B. 619, was indefinitely postponed.

THE BILL:

S. 620. To propose an amendment to the Constitution of Alabama 1901 for Greene County to provide further for filling vacancies in certain county offices.

On motion of Senator Covington, further consideration of the Bill, S. B. 620, was indefinitely postponed.

THE BILL:

S. 621. To propose an amendment to the Constitution of Alabama 1901 for Lowndes County to provide further for filling vacancies in certain county offices.

On motion of Senator Covington, further consideration of the Bill, S. B. 621, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 631, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Horn	
Amari	deGraffenried	Goodwin	Langford	
Bailey	Denton	Hale	Manley	
Barron	Dial	Hand	Mitchem	
Bennett	Dixon	Hilliard	Sanders	
Bishop	Drinkard	Holmes	Smith (J)	
Campbell	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 631. To propose an amendment to the Constitution of Alabama 1901 for Lowndes County to provide further for filling vacancies in certain county offices.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Horn	
Amari	deGraffenried	Goodwin	Langford	
Bailey	Denton	Hale	Manley	
Barron	Dial	Hand	Mitchem	
Bennett	Dixon	Hilliard	Sanders	
Bishop	Drinkard	Holmes	Smith (J)	
Campbell	Ellis			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 632, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Manley	
Amari	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Barron	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Sanders	
Bishop	Foshee	Langford	Smith (J)	
Campbell	Goodwin			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 632. To propose an amendment to the Constitution of Alabama 1901 for Wilcox County to provide further for filling vacancies in certain county offices.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Manley	
Amari	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Barron	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Sanders	
Bishop	Foshee	Langford	Smith (J)	
Campbell	Goodwin			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 633, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Langford	
Amari	deGraffenried	Hale	Manley	
Bailey	Denton	Hand	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Sanders	
Bishop	Drinkard	Horn	Smith (J)	
Campbell	Foshee			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 633. To propose an amendment to the Constitution of Alabama 1901 for Perry County to provide further for filling vacancies in certain county offices.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Langford	
Amari	deGraffenried	Hale	Manley	
Bailey	Denton	Hand	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Sanders	
Bishop	Drinkard	Horn	Smith (J)	
Campbell	Foshee			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 634, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Manley	
Amari	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Barron	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Sanders	
Bishop	Foshee	Langford	Smith (J)	
Campbell	Goodwin			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 634. To propose an amendment to the Constitution of Alabama 1901 for Greene County to provide further for filling vacancies in certain county offices.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Manley	
Amari	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Barron	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Sanders	
Bishop	Foshee	Langford	Smith (J)	
Campbell	Goodwin			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 635, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Manley	
Amari	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Barron	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Sanders	
Bishop	Foshee	Langford	Smith (J)	
Campbell	Goodwin			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 635. To propose an amendment to the Constitution of Alabama 1901 for Sumter County to provide further for filling vacancies in certain county offices.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Manley
Amari	Denton	Hand	Mitchem
Bailey	Dial	Hilliard	Parsons
Barron	Dixon	Holmes	Preuitt
Bennett	Drinkard	Horn	Sanders
Bishop	Foshee	Langford	Smith (J)
Campbell	Goodwin		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 649, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Manley
Amari	Denton	Hand	Mitchem
Bailey	Dial	Hilliard	Parsons
Barron	Dixon	Holmes	Sanders
Bennett	Ellis	Horn	Smith (B)
Bishop	Foshee	Langford	Smith (J)
Campbell	Goodwin		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 649. Relating to Shelby County; authorizing the county commission to provide an increase in county salary supplement for each circuit judge and district attorney within the eighteenth judicial circuit and each Shelby County district judge.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Manley
Amari	Denton	Hand	Mitchem
Bailey	Dial	Hilliard	Parsons
Barron	Dixon	Holmes	Sanders
Bennett	Ellis	Horn	Smith (B)
Bishop	Foshee	Langford	Smith (J)
Campbell	Goodwin		

—25

Nays:

—0

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Senator Corbett requested and received permission to suspend the Rules in order to bring up the following Bill.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 108, adopted.

Yeas 13; Nays 5.

Yeas:

Senators:	Covington	Hale	Langford	
Bailey	Dial	Hilliard	Rice	
Bedsole	Drinkard	Horn	Sanders	
Corbett	Goodwin			—13

Nays:

Senators:	Campbell	Parsons	Windom	
Amari	Manley			—5

BILLS ON THIRD READING RESUMED

THE BILL:

S. 108. To provide adequate minimum coverage for the diagnosis, treatment and rehabilitation of alcoholism and drug dependency to certain group health insurance policies, contracts and plans, which are delivered, issued for delivery, renewed or used in this state and employee health and welfare plans or trusts, and repeals Section 27-20A-1 through 27-20A-4, Code of Alabama 1975.

was taken up.

On motion of Senator Corbett, further consideration of the Bill, S. B. 108, was postponed subject to the call of the Chair.

Senator Manley moved that the Senate reconsider the vote by which the Bill, S. B. 108, was postponed subject to the call of the Chair, which motion was adopted.

Yeas 13; Nays 0.

Yeas:

Senators:	Bedsole	Hand	Mitchem	
Amari	Covington	Holmes	Preuitt	
Bailey	Dial	Manley	Windom	
Barron	Hale			—13

Nays: —0

The President and Presiding Officer of the Senate declared a quorum was present but not voting.

The question then recurred on the motion of Senator Corbett that further consideration of the Bill, S. B. 108, be postponed subject to the call of the Chair.

Senator Hale offered a substitute motion that further consideration of the Bill, S. B. 108, be postponed temporarily, which motion was adopted.

Senator Hale then moved that the Senate reconsider the vote by which the B. I. R. for S. B. 108, was adopted, which motion was adopted.

On motion of Senator Hale, further consideration of the B. I. R. for S. B. 108, was postponed temporarily.

MOTION TO ADJOURN LOST

At 9:50 P.M., Senator Bishop moved that the Senate adjourn until Thursday, April 27, 1989, at 11 o'clock A.M., which motion was lost.

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 417, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Horn	
Amari	Campbell	Goodwin	Langford	
Bailey	Covington	Hale	Manley	
Barron	Denton	Hand	Mitchem	
Bedford	Dial	Hilliard	Parsons	
Bedsole	Drinkard	Holmes	Preuitt	
Bennett	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 417. Relating to St. Clair County; amending Act No. 81-74, H. 253, 1981 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to increase the allowance for election officials who work at polling places and the returning officer.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Horn	
Amari	Campbell	Goodwin	Langford	
Bailey	Covington	Hale	Manley	
Barron	Denton	Hand	Mitchem	
Bedford	Dial	Hilliard	Parsons	
Bedsole	Drinkard	Holmes	Preuitt	
Bennett	Ellis			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 670, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem
Amari	Dial	Hilliard	Parsons
Bailey	Drinkard	Holmes	Preuitt
Barron	Ellis	Horn	Sanders
Bennett	Foshee	Langford	Smith (B)
Bishop	Goodwin	Manley	Smith (J)
Campbell	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 670. To fix the fee for the issuance of pistol permits in Randolph County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem
Amari	Dial	Hilliard	Parsons
Bailey	Drinkard	Holmes	Preuitt
Barron	Ellis	Horn	Sanders
Bennett	Foshee	Langford	Smith (B)
Bishop	Goodwin	Manley	Smith (J)
Campbell	Hale		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 712, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hale	Manley
Amari	Dial	Hand	Mitchem
Bailey	Dixon	Hilliard	Parsons
Barron	Drinkard	Holmes	Preuitt
Bishop	Ellis	Horn	Sanders
Campbell	Foshee	Langford	Smith (J)
Covington	Goodwin		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 712. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on solid waste disposed of in Pickens County.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hale	Manley	
Amari	Dial	Hand	Mitchem	
Bailey	Dixon	Hilliard	Parsons	
Barron	Drinkard	Holmes	Preuitt	
Bishop	Ellis	Horn	Sanders	
Campbell	Foshee	Langford	Smith (J)	
Covington	Goodwin			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 778, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hale	Manley	
Amari	Dial	Hand	Mitchem	
Bailey	Dixon	Hilliard	Parsons	
Barron	Drinkard	Holmes	Preuitt	
Bishop	Ellis	Horn	Sanders	
Campbell	Foshee	Langford	Smith (J)	
Covington	Goodwin			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 778. Relating to Pickens County; providing further for the compensation for election officials and repealing Act No. 79-185, S. 351, 1979 Regular Session.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hale	Manley	
Amari	Dial	Hand	Mitchem	
Bailey	Dixon	Hilliard	Parsons	
Barron	Drinkard	Holmes	Preuitt	
Bishop	Ellis	Horn	Sanders	
Campbell	Foshee	Langford	Smith (J)	
Covington	Goodwin			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 622, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Mitchem
Amari	Denton	Hilliard	Parsons
Bailey	Dial	Holmes	Preuitt
Barron	Dixon	Horn	Sanders
Bennett	Drinkard	Langford	Smith (B)
Bishop	Ellis	Manley	Smith (J)
Campbell	Foshee		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 622. To provide an annual supplemental retirement benefit to the retired circuit judges and district attorneys of the 8th Judicial Circuit, payable from the county treasury of the county comprising said circuit; to provide that the circuit judges and district attorneys holding office on the effective date of this act may elect to come under this act and that any circuit judge or district attorney hereafter elected or appointed to office shall come under its provisions as a matter of law; to provide that said participating judges or district attorneys shall contribute to the county treasury a portion of their county salary supplement in order to qualify for the benefits provided herein; to provide that said judges and district attorneys shall begin drawing the additional retirement benefits provided herein at the time they qualify for and begin receiving benefits from the state judicial retirement fund; to provide that said participating judges and district attorneys may elect to withdraw contributions plus interest from the county treasury should their judicial service be terminated prior to becoming eligible for the benefits provided herein, or may elect to leave said contributions with the county treasury until such time as they attain a retirement age and become eligible to receive the benefits provided herein; to provide for a return of contributions, or any remaining portion thereof, to the estate of a participating judge or district attorney should such participant die prior to becoming eligible for the benefits provided herein or prior to recouping all of his contributions; and to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Mitchem
Amari	Denton	Hilliard	Parsons
Bailey	Dial	Holmes	Preuitt
Barron	Dixon	Horn	Sanders
Bennett	Drinkard	Langford	Smith (B)
Bishop	Ellis	Manley	Smith (J)
Campbell	Foshee		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 640, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Mitchem	
Amari	Denton	Hilliard	Parsons	
Bailey	Dial	Holmes	Preuitt	
Barron	Dixon	Horn	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Campbell	Foshee			—25

Nays:				—0
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BILLS ON THIRD READING RESUMED**THE BILL:**

S. 640. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Mitchem	
Amari	Denton	Hilliard	Parsons	
Bailey	Dial	Holmes	Preuitt	
Barron	Dixon	Horn	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Campbell	Foshee			—25

Nays:				—0
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BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 614, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Amari	deGraffenried	Hale	Mitchem	
Bailey	Denton	Hilliard	Parsons	
Barron	Dial	Holmes	Preuitt	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Drinkard	Langford	Smith (J)	
Campbell	Ellis			—25

Nays:				—0
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BILLS ON THIRD READING RESUMED**THE BILL:**

S. 614. Relating to Cullman County; to amend further Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), which act

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levies a sales and use tax in Cullman County and provides for the distribution and use of the tax proceeds, so as to remove a special, separate account established to receive such tax proceeds; to remove the bonding requirements of the custodian of public school funds of Cullman County; and to require the custodian of public school funds to deposit such tax revenues or proceeds into the general fund of the Cullman County school system.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Amari	deGraffenried	Hale	Mitchem	
Bailey	Denton	Hilliard	Parsons	
Barron	Dial	Holmes	Preuitt	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Drinkard	Langford	Smith (J)	
Campbell	Ellis			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 615, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Mitchem	
Amari	Denton	Hilliard	Parsons	
Bailey	Dial	Holmes	Preuitt	
Barron	Dixon	Horn	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Campbell	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 615. Relating to Cullman County; providing for the county commission on education to reimburse the office of the county superintendent of education for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county allocated for schools.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Mitchem	
Amari	Denton	Hilliard	Parsons	
Bailey	Dial	Holmes	Preuitt	
Barron	Dixon	Horn	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Campbell	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 643, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Manley	
Amari	Denton	Hale	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Smith (B)	
Campbell	Ellis	Langford	Smith (J)	
Covington	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 643. Pertaining to the Twenty-third Judicial Circuit; to amend Section 1 of Act No. 80-407, H. 792, 1980 Regular Session (Acts 1980, p. 566), relating to the supplement to the salaries of the district judges of said judicial circuit, so as to provide further for such supplement.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Manley	
Amari	Denton	Hale	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Smith (B)	
Campbell	Ellis	Langford	Smith (J)	
Covington	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 535, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Amari	deGraffenried	Hale	Parsons	
Bailey	Denton	Hand	Preuitt	
Barron	Dial	Hilliard	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Bishop	Figures	Manley	Smith (J)	
Campbell	Foshee			—25
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 535. Relating to Etowah County; to provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable or educational purposes shall be legal in Etowah County; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Etowah County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Preuitt	
Barron	Drinkard	Holmes	Rice	
Bennett	Figures	Horn	Sanders	
Bishop	Foshee	Langford	Smith (B)	
Campbell	Goodwin	Manley	Smith (J)	
Covington	Hale			—25
<i>Nays:</i>				—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 150, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Preuitt	
Barron	Drinkard	Holmes	Rice	
Bennett	Figures	Horn	Sanders	
Bishop	Foshee	Langford	Smith (B)	
Campbell	Goodwin	Manley	Smith (J)	
Covington	Hale			—25
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 150. To propose an amendment to the Constitution of Alabama of 1901 to authorize the operation of bingo games in Etowah County.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 150, to-wit:

AMENDMENT TO H. B. 150

Amend H. B. 150, on page 2, line 9, as follows: After the word "license" insert the following language:

"except the tax-exempt Etowah County Council on Aging is exempt from the time requirement"

Further amend H. B. 150, on page 2, line 19, as follows: After the word "fees" insert the following language:

"nor any compensation nor salary"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Preuitt	
Barron	Drinkard	Holmes	Rice	
Bennett	Figures	Horn	Sanders	
Bishop	Foshee	Langford	Smith (B)	
Campbell	Goodwin	Manley	Smith (J)	
Covington	Hale			—25

Nays: —0

And said Bill, H. B. 150, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Preuitt	
Barron	Drinkard	Holmes	Rice	
Bennett	Figures	Horn	Sanders	
Bishop	Foshee	Langford	Smith (B)	
Campbell	Goodwin	Manley	Smith (J)	
Covington	Hale			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 653, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem
Amari	deGraffenried	Hale	Parsons
Bailey	Denton	Hand	Preuitt
Barron	Dial	Hilliard	Sanders
Bennett	Drinkard	Langford	Smith (B)
Bishop	Figures	Manley	Smith (J)
Campbell	Foshee		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 653. Relating to the City of Gadsden in Etowah County; authorizing the governing body to levy an additional ad valorem tax to be used for capital outlay purposes for the school system; and providing for a referendum for approval of the tax by the qualified electors of the city.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem
Amari	deGraffenried	Hale	Parsons
Bailey	Denton	Hand	Preuitt
Barron	Dial	Hilliard	Sanders
Bennett	Drinkard	Langford	Smith (B)
Bishop	Figures	Manley	Smith (J)
Campbell	Foshee		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 656, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem
Amari	Denton	Hale	Parsons
Bailey	Dial	Hand	Preuitt
Barron	Dixon	Hilliard	Sanders
Bennett	Drinkard	Langford	Smith (B)
Bishop	Ellis	Manley	Smith (J)
Campbell	Foshee		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 656. Relating to Lawrence County; providing for the establishment of a system for assessment and collection of taxes and issuance of licenses

under the supervision of elected county officials designated as county revenue commissioner and county license commissioner upon referendum approved by the electors of the county.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Amari	Denton	Hale	Parsons	
Bailey	Dial	Hand	Preuitt	
Barron	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Campbell	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 659, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Mitchem	
Bailey	Denton	Hilliard	Parsons	
Barron	Dial	Holmes	Preuitt	
Bennett	Dixon	Horn	Sanders	
Bishop	Drinkard	Langford	Smith (B)	
Campbell	Ellis	Manley	Smith (J)	
Covington	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 659. Relating to portions of Morgan County, to authorize the county governing body to levy an additional ad valorem tax, to provide said tax shall be subject to voter approval at a referendum, to provide for the collection and administration of said tax, to provide for the distribution of funds derived from said tax to volunteer fire departments and certain emergency medical technicians, to establish certain standards for eligible volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department and to provide that the county shall be immune from certain liability.

was read a third time at length and passed, and ordered sent forthwith to the House.

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Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Mitchem
Bailey	Denton	Hilliard	Parsons
Barron	Dial	Holmes	Preuitt
Bennett	Dixon	Horn	Sanders
Bishop	Drinkard	Langford	Smith (B)
Campbell	Ellis	Manley	Smith (J)
Covington	Foshee		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 660, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hale	Mitchem
Bailey	Dial	Hilliard	Parsons
Barron	Dixon	Holmes	Preuitt
Bennett	Drinkard	Horn	Sanders
Bishop	Ellis	Langford	Smith (B)
Campbell	Figures	Manley	Smith (J)
Covington	Foshee		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 660. Relating to Morgan County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Morgan County 2015 Commission;" to provide for the composition, officers and duties of the commission.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hale	Mitchem
Bailey	Dial	Hilliard	Parsons
Barron	Dixon	Holmes	Preuitt
Bennett	Drinkard	Horn	Sanders
Bishop	Ellis	Langford	Smith (B)
Campbell	Figures	Manley	Smith (J)
Covington	Foshee		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 661, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Mitchem	
Barron	Dial	Hale	Parsons	
Bennett	Dixon	Hand	Preuitt	
Bishop	Drinkard	Hilliard	Sanders	
Campbell	Ellis	Langford	Smith (B)	
Covington	Figures	Manley	Smith (J)	
deGraffenried	Foshee			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 661. Relating to Lawrence County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Lawrence County 2015 Commission;" to provide for the composition, officers and duties of the commission.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 661, to-wit:

AMENDMENT TO S. B. 661

Amend S. B. 661, Page 2, Line 27, as follows: Delete the word "Morgan" and insert in lieu thereof the word "Lawrence"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Mitchem	
Bailey	Dial	Hale	Parsons	
Barron	Dixon	Hand	Preuitt	
Bennett	Drinkard	Hilliard	Sanders	
Bishop	Ellis	Langford	Smith (B)	
Campbell	Figures	Manley	Smith (J)	
Covington	Foshee			—25

Nays:

—0

And said Bill, S. B. 661, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Mitchem	
Barron	Dial	Hale	Parsons	
Bennett	Dixon	Hand	Preuitt	
Bishop	Drinkard	Hilliard	Sanders	
Campbell	Ellis	Langford	Smith (B)	
Covington	Figures	Manley	Smith (J)	
deGraffenried	Foshee			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 662, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hale	Manley
Bailey	Dial	Hand	Mitchem
Barron	Dixon	Hilliard	Parsons
Bennett	Drinkard	Holmes	Sanders
Bishop	Ellis	Horn	Smith (B)
Campbell	Foshee	Langford	Smith (J)
Covington	Goodwin		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 662. Relating to Lawrence County, to increase certain court costs and provide for the distribution of the additional court costs.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hale	Manley
Bailey	Dial	Hand	Mitchem
Barron	Dixon	Hilliard	Parsons
Bennett	Drinkard	Holmes	Sanders
Bishop	Ellis	Horn	Smith (B)
Campbell	Foshee	Langford	Smith (J)
Covington	Goodwin		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 663, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hale	Manley
Bailey	Dial	Hand	Mitchem
Barron	Dixon	Hilliard	Parsons
Bennett	Drinkard	Holmes	Preuitt
Bishop	Ellis	Horn	Smith (B)
Campbell	Foshee	Langford	Smith (J)
Covington	Goodwin		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 663. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780 of the 1986 Regular Session (Acts 1986, p. 595) relating to the salary and expense allowances of the county superintendent of education so as to provide further for such salary and allowances.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hale	Manley	
Bailey	Dial	Hand	Mitchem	
Barron	Dixon	Hilliard	Parsons	
Bennett	Drinkard	Holmes	Preuitt	
Bishop	Ellis	Horn	Smith (B)	
Campbell	Foshee	Langford	Smith (J)	
Covington	Goodwin			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 674, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem	
Amari	Denton	Hilliard	Parsons	
Bailey	Dixon	Holmes	Preuitt	
Barron	Drinkard	Horn	Sanders	
Bennett	Foshee	Langford	Smith (B)	
Bishop	Goodwin	Manley	Smith (J)	
Campbell	Hale			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 674. To authorize the governing body of Tuscumbia to establish an Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within Tuscumbia, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedure for operations and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe

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that certain restrictions shall be placed on designated properties, and provide exceptions thereto; and to provide for appeals and other judicial processes.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem
Amari	Denton	Hilliard	Parsons
Bailey	Dixon	Holmes	Preuitt
Barron	Drinkard	Horn	Sanders
Bennett	Foshee	Langford	Smith (B)
Bishop	Goodwin	Manley	Smith (J)
Campbell	Hale		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 510, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Holmes
Amari	deGraffenried	Foshee	Horn
Bailey	Denton	Goodwin	Langford
Bedford	Dial	Hale	Manley
Bennett	Dixon	Hand	Mitchem
Bishop	Drinkard	Hilliard	Parsons
Campbell	Ellis		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 510. Relating to Marion County; authorizing and providing for the incorporation of the Marion County Public Water Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the

establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Holmes
Amari	deGraffenried	Foshee	Horn
Bailey	Denton	Goodwin	Langford
Bedford	Dial	Hale	Manley
Bennett	Dixon	Hand	Mitchem
Bishop	Drinkard	Hilliard	Parsons
Campbell	Ellis		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 711, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem
Amari	Denton	Hilliard	Parsons
Bailey	Dial	Holmes	Preuitt
Bedford	Ellis	Horn	Sanders
Bennett	Foshee	Langford	Smith (B)
Bishop	Goodwin	Manley	Smith (J)
Campbell	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 711. Relating to Franklin County; amending Act No. 88-560, S. 665, 1988 Regular Session, which provides for a privilege tax on certain automotive vehicles, so as to clarify the provisions relating to the distribution on the proceeds from the tax.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem	
Amari	Denton	Hilliard	Parsons	
Bailey	Dial	Holmes	Preuitt	
Bedford	Ellis	Horn	Sanders	
Bennett	Foshee	Langford	Smith (B)	
Bishop	Goodwin	Manley	Smith (J)	
Campbell	Hale			—25
<i>Nays:</i>				—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 729, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Horn	
Amari	Denton	Goodwin	Langford	
Bailey	Dial	Hale	Manley	
Bedford	Dixon	Hand	Mitchem	
Bennett	Drinkard	Hilliard	Parsons	
Bishop	Ellis	Holmes	Preuitt	
Campbell	Figures			—25
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 729. Relating to Lamar County; authorizing and providing for the incorporation of the Lamar County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants,

water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Horn	
Amari	Denton	Goodwin	Langford	
Bailey	Dial	Hale	Manley	
Bedford	Dixon	Hand	Mitchem	
Bennett	Drinkard	Hilliard	Parsons	
Bishop	Ellis	Holmes	Preuitt	
Campbell	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 717, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Amari	Denton	Hale	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Barron	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Campbell	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 717. To amend Section 2 of Act No. 158, H. 178, 1973 Regular Session, pertaining to levying and collecting assessments on forestland in Cullman County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Amari	Denton	Hale	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Barron	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Campbell	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 730, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Mitchem	
Amari	Denton	Hale	Parsons	
Bailey	Dial	Hand	Preuitt	
Bedford	Dixon	Holmes	Sanders	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Campbell	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 730. Relating to Lamar County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of

tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Mitchem	
Amari	Denton	Hale	Parsons	
Bailey	Dial	Hand	Preuitt	
Bedford	Dixon	Holmes	Sanders	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Campbell	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 768, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem	
Amari	Denton	Hilliard	Parsons	
Bailey	Dial	Holmes	Preuitt	
Barron	Dixon	Horn	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Campbell	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 768. Relating to Escambia County, providing for the establishment and financing of a county law library and repealing Act No. 596, S. 779, 1969 Regular Session, as amended.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem	
Amari	Denton	Hilliard	Parsons	
Bailey	Dial	Holmes	Preuitt	
Barron	Dixon	Horn	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Campbell	Foshee			—25

Nays: —0

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BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 774, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley
Amari	deGraffenried	Hale	Parsons
Bailey	Denton	Hand	Preuitt
Barron	Dial	Hilliard	Sanders
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Campbell	Ellis		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 774. Relating to Conecuh County; to amend Section 9 of Act No. 86-322, 1986 Regular Session, so as to remove the requirement that the county roads be maintained and constructed as a unit.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley
Amari	deGraffenried	Hale	Parsons
Bailey	Denton	Hand	Preuitt
Barron	Dial	Hilliard	Sanders
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Campbell	Ellis		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 795, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem
Bailey	Dial	Hilliard	Parsons
Bennett	Dixon	Holmes	Preuitt
Bishop	Drinkard	Horn	Sanders
Campbell	Foshee	Langford	Smith (B)
Covington	Goodwin	Manley	Smith (J)
deGraffenried	Hale		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 795. Relating to Houston County; amending the title, section 2 and section 7 of Act No. 88-386, H. 768, 1988 Regular Session, relating to certain levies, collection and distribution of certain tobacco taxes, so as to eliminate the provisions relating to an advisory referendum and providing for the net revenues to be paid into the county general fund.

was taken up.

Senator Bailey offered the following amendment to the Bill, H. B. 795, to-wit:

AMENDMENT TO H. B. 795

Amend H. B. 795, Section 7, Page 2, line 21, by inserting immediately after the word "revenue" and preceding the word "to" the following language to read:

to the Houston County Commission on a monthly basis. Said proceeds shall be deposited

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Sanders	
Campbell	Foshee	Langford	Smith (B)	
Covington	Goodwin	Manley	Smith (J)	
deGraffenried	Hale			—25

Nays: —0

And said Bill, H. B. 795, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Sanders	
Campbell	Foshee	Langford	Smith (B)	
Covington	Goodwin	Manley	Smith (J)	
deGraffenried	Hale			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 807, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Mitchem
Amari	Denton	Hilliard	Parsons
Bailey	Dial	Holmes	Preuitt
Barron	Dixon	Horn	Sanders
Bennett	Drinkard	Langford	Smith (B)
Bishop	Ellis	Manley	Smith (J)
Campbell	Foshee		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 807. Relating to Cullman County; to amend further Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), which act levies a sales and use tax in Cullman County and provides for the distribution and use of the tax proceeds, so as to remove a special, separate account established to receive such tax proceeds; to remove the bonding requirements of the custodian of public school funds of Cullman County; and to require the custodian of public school funds to deposit such tax revenues or proceeds into the general fund of the Cullman County school system.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Mitchem
Amari	Denton	Hilliard	Parsons
Bailey	Dial	Holmes	Preuitt
Barron	Dixon	Horn	Sanders
Bennett	Drinkard	Langford	Smith (B)
Bishop	Ellis	Manley	Smith (J)
Campbell	Foshee		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 808, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Mitchem
Amari	deGraffenried	Hilliard	Parsons
Bailey	Denton	Holmes	Preuitt
Barron	Dial	Horn	Sanders
Bennett	Dixon	Langford	Smith (B)
Bishop	Drinkard	Manley	Smith (J)
Campbell	Foshee		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 808. Relating to Cullman County; providing for the county commission on education to reimburse the office of the county superintendent of education for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county allocated for schools.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Mitchem	
Amari	deGraffenried	Hilliard	Parsons	
Bailey	Denton	Holmes	Preuitt	
Barron	Dial	Horn	Sanders	
Bennett	Dixon	Langford	Smith (B)	
Bishop	Drinkard	Manley	Smith (J)	
Campbell	Foshee			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 811, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Sanders	
Campbell	Ellis	Langford	Smith (B)	
Covington	Figures	Manley	Smith (J)	
deGraffenried	Goodwin			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 811. Relating to Chilton County; providing for a special recording fee for each document filed for record in the office of the probate judge and to provide for the distribution of such fees.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Sanders	
Campbell	Ellis	Langford	Smith (B)	
Covington	Figures	Manley	Smith (J)	
deGraffenried	Goodwin			—25

Nays:

—0

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BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 812, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Barron	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Sanders	
Bishop	Ellis	Langford	Smith (B)	
Campbell	Foshee	Manley	Smith (J)	
Covington	Hale			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 812. Relating to Crenshaw County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Barron	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Sanders	
Bishop	Ellis	Langford	Smith (B)	
Campbell	Foshee	Manley	Smith (J)	
Covington	Hale			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 831, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Amari	Denton	Hale	Parsons	
Bailey	Dial	Hand	Preuitt	
Barron	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Holmes	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Campbell	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 831. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Tallapoosa County so as to authorize the county commission to increase certain court costs, to provide for disposition of the increased fees and to provide for retroactive effect.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Amari	Denton	Hale	Parsons	
Bailey	Dial	Hand	Preuitt	
Barron	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Holmes	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Campbell	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., H. B. 833, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Sanders	
Campbell	Foshee	Langford	Smith (B)	
Covington	Goodwin	Manley	Smith (J)	
deGraffenried	Hale			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 833. To provide for the levy and collection of special county privilege and license taxes in Houston County paralleling the state sales tax provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes in Houston County paralleling the state use tax provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the period of time during which and the rates at which such taxes shall be levied; to provide for the distribution of the proceeds of such taxes; and to provide for the enforcement of this act by the State Department of Revenue.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem
Bailey	Dial	Hilliard	Parsons
Bennett	Dixon	Holmes	Preuitt
Bishop	Drinkard	Horn	Sanders
Campbell	Foshee	Langford	Smith (B)
Covington	Goodwin	Manley	Smith (J)
deGraffenried	Hale		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 835, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem
Amari	Denton	Hilliard	Parsons
Bailey	Dial	Holmes	Preuitt
Barron	Dixon	Horn	Sanders
Bennett	Foshee	Langford	Smith (B)
Bishop	Goodwin	Manley	Smith (J)
Campbell	Hale		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 835. Relating to Dale County; abolishing the office of constable; and providing an effective date.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem
Amari	Denton	Hilliard	Parsons
Bailey	Dial	Holmes	Preuitt
Barron	Dixon	Horn	Sanders
Bennett	Foshee	Langford	Smith (B)
Bishop	Goodwin	Manley	Smith (J)
Campbell	Hale		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 852, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Bailey	Denton	Hand	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Sanders	
Campbell	Ellis	Langford	Smith (J)	
Covington	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 852. Relating to the City of Marion in Perry County; authorizing the Marion City governing body to levy an additional ad valorem tax to be used for educational purposes and providing for a referendum on such taxes. was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment the Bill, H. B. 852, to-wit:

AMENDMENT TO H. B. 852

Amend H. B. 852, Page 1, Line 14, as follows: Delete the words "educational purposes" and insert in lieu thereof "purposes for which general funds may be used"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bennett	Dial	Hilliard	Parsons	
Bishop	Dixon	Holmes	Preuitt	
Campbell	Drinkard	Horn	Sanders	
Corbett	Ellis	Langford	Smith (J)	
Covington	Figures	Manley	Windom	
deGraffenried	Goodwin			—25

Nays: —0

And said Bill, H. B. 852, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Bailey	Denton	Hand	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Sanders	
Campbell	Ellis	Langford	Smith (J)	
Covington	Figures			—25

Nays: —0

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BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 855, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Langford
Amari	Covington	Figures	Mitchem
Bailey	deGraffenried	Goodwin	Parsons
Barron	Denton	Hand	Rice
Bennett	Dial	Hilliard	Smith (B)
Bishop	Dixon	Holmes	Smith (J)
Campbell	Drinkard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 855. Relating to Tallapoosa County, to provide for the filing for record and the preservation of all orders and judgments made and entered by the judge of the circuit court of the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Langford
Amari	Covington	Figures	Mitchem
Bailey	deGraffenried	Goodwin	Parsons
Barron	Denton	Hand	Rice
Bennett	Dial	Hilliard	Smith (B)
Bishop	Dixon	Holmes	Smith (J)
Campbell	Drinkard		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 859, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Manley
Amari	Covington	Hand	Mitchem
Bailey	Denton	Hilliard	Parsons
Barron	Dixon	Holmes	Preuitt
Bennett	Drinkard	Horn	Sanders
Bishop	Ellis	Langford	Smith (J)
Campbell	Figures		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 859. Relating to Lauderdale County; amending Act No. 84-387, H. 757, 1984 Regular Session, so as to provide further for the term and compensation of the revenue commissioner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Manley	
Amari	Covington	Hand	Mitchem	
Bailey	Denton	Hilliard	Parsons	
Barron	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Sanders	
Bishop	Ellis	Langford	Smith (J)	
Campbell	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 862, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Langford	
Amari	deGraffenried	Goodwin	Mitchem	
Bailey	Denton	Hand	Preuitt	
Barron	Dial	Hilliard	Sanders	
Bennett	Dixon	Holmes	Smith (B)	
Bishop	Drinkard	Horn	Smith (J)	
Campbell	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 862. Relating to Marshall County, amending Act No. 87-522, 1987 Regular Session, which provides for a tobacco tax, so as to provide further for the collection of said tax.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Langford	
Amari	deGraffenried	Goodwin	Mitchem	
Bailey	Denton	Hand	Preuitt	
Barron	Dial	Hilliard	Sanders	
Bennett	Dixon	Holmes	Smith (B)	
Bishop	Drinkard	Horn	Smith (J)	
Campbell	Ellis			—25

Nays: —0

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BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 865, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem
Bailey	Dial	Hilliard	Parsons
Barron	Dixon	Holmes	Preuitt
Bennett	Drinkard	Horn	Sanders
Bishop	Ellis	Langford	Smith (B)
Campbell	Foshee	Manley	Smith (J)
Covington	Goodwin		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 865. Relating to Crenshaw County; authorizing the county commission to levy an additional sales and use tax paralleling the state sales and use tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63, Code of Alabama 1975, as amended; providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for termination of this act unless continued by a majority of the electors of Crenshaw County in a referendum.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem
Bailey	Dial	Hilliard	Parsons
Barron	Dixon	Holmes	Preuitt
Bennett	Drinkard	Horn	Sanders
Bishop	Ellis	Langford	Smith (B)
Campbell	Foshee	Manley	Smith (J)
Covington	Goodwin		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 886, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn
Bailey	Denton	Goodwin	Manley
Barron	Dial	Hale	Parsons
Bennett	Dixon	Hand	Preuitt
Bishop	Drinkard	Hilliard	Sanders
Campbell	Ellis	Holmes	Smith (J)
Covington	Figures		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 886. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection in Choctaw County, so as to provide for the levy and collection of certain additional property tax for fire protection in said county.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn	
Bailey	Denton	Goodwin	Manley	
Barron	Dial	Hale	Parsons	
Bennett	Dixon	Hand	Preuitt	
Bishop	Drinkard	Hilliard	Sanders	
Campbell	Ellis	Holmes	Smith (J)	
Covington	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 890, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Bedford	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Sanders	
Bishop	Ellis	Langford	Smith (B)	
Campbell	Figures	Manley	Smith (J)	
Covington	Goodwin			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 890. To remove certain property from within the municipal limits of Bear Creek in Marion County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Bedford	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Sanders	
Bishop	Ellis	Langford	Smith (B)	
Campbell	Figures	Manley	Smith (J)	
Covington	Goodwin			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 893, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem
Bailey	deGraffenried	Hilliard	Parsons
Barron	Dial	Holmes	Preuitt
Bennett	Drinkard	Horn	Sanders
Bishop	Ellis	Langford	Smith (B)
Campbell	Figures	Manley	Smith (J)
Corbett	Goodwin		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 893. Relating to Randolph County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Randolph County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem
Bailey	deGraffenried	Hilliard	Parsons
Barron	Dial	Holmes	Preuitt
Bennett	Drinkard	Horn	Sanders
Bishop	Ellis	Langford	Smith (B)
Campbell	Figures	Manley	Smith (J)
Corbett	Goodwin		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 898, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hilliard	Parsons
Bailey	Dixon	Holmes	Preuitt
Bennett	Drinkard	Horn	Rice
Bishop	Ellis	Langford	Sanders
Campbell	Figures	Manley	Smith (B)
Covington	Goodwin	Mitchem	Smith (J)
Denton	Hand		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 898. Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hilliard	Parsons	
Bailey	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Rice	
Bishop	Ellis	Langford	Sanders	
Campbell	Figures	Manley	Smith (B)	
Covington	Goodwin	Mitchem	Smith (J)	
Denton	Hand			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 899, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Manley	
Bailey	Dial	Hale	Parsons	
Bennett	Dixon	Hand	Preuitt	
Bishop	Drinkard	Hilliard	Sanders	
Campbell	Ellis	Holmes	Smith (B)	
Covington	Figures	Horn	Smith (J)	
deGraffenried	Foshee			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 899. To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

was read a third time at length as required by the Constitution and passed.

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Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Manley	
Bailey	Dial	Hale	Parsons	
Bennett	Dixon	Hand	Preuitt	
Bishop	Drinkard	Hilliard	Sanders	
Campbell	Ellis	Holmes	Smith (B)	
Covington	Figures	Horn	Smith (J)	
deGraffenried	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 905, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Manley	
Amari	Covington	Hand	Mitchem	
Bailey	Denton	Hilliard	Parsons	
Barron	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Sanders	
Bishop	Ellis	Langford	Smith (J)	
Campbell	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 905. Relating to Lauderdale County, providing further for the compensation of the license commissioner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Manley	
Amari	Covington	Hand	Mitchem	
Bailey	Denton	Hilliard	Parsons	
Barron	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Sanders	
Bishop	Ellis	Langford	Smith (J)	
Campbell	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 902, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem
Bailey	Dial	Hilliard	Parsons
Barron	Dixon	Holmes	Preuitt
Bennett	Drinkard	Horn	Sanders
Bishop	Foshee	Langford	Smith (B)
Corbett	Goodwin	Manley	Smith (J)
deGraffenried	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 902. Relating to Russell County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem
Bailey	Dial	Hilliard	Parsons
Barron	Dixon	Holmes	Preuitt
Bennett	Drinkard	Horn	Sanders
Bishop	Foshee	Langford	Smith (B)
Corbett	Goodwin	Manley	Smith (J)
deGraffenried	Hale		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 906, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Langford
Amari	deGraffenried	Goodwin	Manley
Bailey	Denton	Hale	Mitchem
Barron	Dial	Hilliard	Parsons
Bennett	Dixon	Holmes	Preuitt
Bishop	Drinkard	Horn	Sanders
Campbell	Ellis		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 906. Relating to Morgan County; providing for an additional expense allowance for the court reporter of the Eighth Judicial Circuit.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Langford
Amari	deGraffenried	Goodwin	Manley
Bailey	Denton	Hale	Mitchem
Barron	Dial	Hilliard	Parsons
Bennett	Dixon	Holmes	Preuitt
Bishop	Drinkard	Horn	Sanders
Campbell	Ellis		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 914, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Mitchem
Amari	deGraffenried	Hilliard	Parsons
Bailey	Denton	Holmes	Preuitt
Barron	Dial	Horn	Sanders
Bennett	Dixon	Langford	Smith (B)
Bishop	Drinkard	Manley	Smith (J)
Campbell	Goodwin		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 914. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county and providing for a retroactive effective.

was taken up.

Senator Hale offered the following amendment to the Bill, H. B. 914, to-wit:

AMENDMENT TO H. B. 914

Amend H. B. 914, page 1, line 14 by striking after the word "for" the following: ~~a retroactive effective~~ and inserting the following: retroactive effect

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Mitchem
Amari	deGraffenried	Hilliard	Parsons
Bailey	Denton	Holmes	Preuitt
Barron	Dial	Horn	Sanders
Bennett	Dixon	Langford	Smith (B)
Bishop	Drinkard	Manley	Smith (J)
Campbell	Goodwin		

—25

Nays:

—0

And said Bill, H. B. 914, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Mitchem	
Amari	deGraffenried	Hilliard	Parsons	
Bailey	Denton	Holmes	Preuitt	
Barron	Dial	Horn	Sanders	
Bennett	Dixon	Langford	Smith (B)	
Bishop	Drinkard	Manley	Smith (J)	
Campbell	Goodwin			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 923, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Barron	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Sanders	
Bishop	Ellis	Langford	Smith (B)	
Campbell	Figures	Manley	Smith (J)	
Covington	Goodwin			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 923. Relating to Pike County; authorizing the Pike County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire protection; and expressing legislative intent regarding said contracts.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Barron	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Sanders	
Bishop	Ellis	Langford	Smith (B)	
Campbell	Figures	Manley	Smith (J)	
Covington	Goodwin			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 927, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Bailey	Denton	Hand	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Sanders	
Campbell	Ellis	Langford	Smith (J)	
Covington	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 927. Relating to Lowndes County, amending Act No. 166, H. 137, 1961 Regular Session, which levies a sales tax, so as to provide further for the distribution of the tax.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Bailey	Denton	Hand	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Sanders	
Campbell	Ellis	Langford	Smith (J)	
Covington	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 928, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Bailey	Denton	Hand	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Sanders	
Campbell	Ellis	Langford	Smith (J)	
Covington	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 928. Relating to Lowndes County; to amend Section 12 of Act No. 87-620, H. 1088 of the 1987 Regular Session (Acts 1987, p. 1097) as amended, which levies an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes thereof so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Bailey	Denton	Hand	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Sanders	
Campbell	Ellis	Langford	Smith (J)	
Covington	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 929, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Manley	
Bailey	Denton	Hand	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Sanders	
Campbell	Foshee	Langford	Smith (J)	
Covington	Goodwin			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 929. Relating to Lowndes County; to amend Section 6 of Act No. 87-523, H. 1090 of the 1987 Regular Session (Acts 1987, p. 791) which levies a county privilege, license or excise tax on tobacco and certain tobacco products so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Manley	
Bailey	Denton	Hand	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Sanders	
Campbell	Foshee	Langford	Smith (J)	
Covington	Goodwin			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 930, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Bailey	Denton	Hand	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Sanders	
Campbell	Ellis	Langford	Smith (J)	
Covington	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 930. Relating to Lowndes County; to grant the county commission certain power relating to levying or increasing county business or privilege licenses.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Bailey	Denton	Hand	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Dixon	Holmes	Preuitt	
Bishop	Drinkard	Horn	Sanders	
Campbell	Ellis	Langford	Smith (J)	
Covington	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 934, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Manley	
Amari	deGraffenried	Goodwin	Parsons	
Bailey	Denton	Hand	Preuitt	
Barron	Dial	Hilliard	Sanders	
Bennett	Dixon	Holmes	Smith (J)	
Bishop	Drinkard	Horn	Windom	
Campbell	Ellis			—25

Nays:				—0
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BILLS ON THIRD READING RESUMED**THE BILL:**

H. 934. Proposing an amendment to the Constitution of Alabama of 1901, relating to additional ad valorem taxes in Choctaw County.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Manley	
Amari	deGraffenried	Goodwin	Parsons	
Bailey	Denton	Hand	Preuitt	
Barron	Dial	Hilliard	Sanders	
Bennett	Dixon	Holmes	Smith (J)	
Bishop	Drinkard	Horn	Windom	
Campbell	Ellis			—25

Nays:				—0
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BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 941, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem	
Amari	deGraffenried	Hilliard	Parsons	
Bailey	Dial	Holmes	Preuitt	
Barron	Drinkard	Horn	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Bishop	Figures	Manley	Smith (J)	
Campbell	Goodwin			—25

Nays:				—0
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BILLS ON THIRD READING RESUMED**THE BILL:**

H. 941. Relating to Clay County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing

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for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Clay County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem	
Amari	deGraffenried	Hilliard	Parsons	
Bailey	Dial	Holmes	Preuitt	
Barron	Drinkard	Horn	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Bishop	Figures	Manley	Smith (J)	
Campbell	Goodwin			—25
<i>Nays:</i>				—0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 947, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Amari	Denton	Hilliard	Parsons	
Bailey	Dial	Holmes	Preuitt	
Bedford	Dixon	Horn	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Campbell	Figures			—25
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 947. To amend the title and sections 1, 2, 3, 4 and 5 of Act No. 54, H. 378, approved June 28, 1965 (Acts 1965, p. 75), which provides for a junior college and trade school scholarship program for residents of Franklin County, Alabama, so as to provide for a community college scholarship program for such residents and for the manner of awarding such scholarships.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Amari	Denton	Hilliard	Parsons	
Bailey	Dial	Holmes	Preuitt	
Bedford	Dixon	Horn	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Campbell	Figures			—25
<i>Nays:</i>				—0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 949, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Bedford	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Sanders	
Bishop	Ellis	Langford	Smith (B)	
Campbell	Figures	Manley	Smith (J)	
Covington	Foshee			—25

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 949. To amend Section 6 of Act No. 515, H. 756, approved September 14, 1963 (Acts 1963, p. 1100), which levied a tobacco tax in Franklin County, Alabama, so as to provide further for the disposition of the proceeds of the revenue from such tax.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Bedford	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Sanders	
Bishop	Ellis	Langford	Smith (B)	
Campbell	Figures	Manley	Smith (J)	
Covington	Foshee			—25

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Goodwin, B. I. R., H. B. 958, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Langford	
Amari	deGraffenried	Hale	Manley	
Bailey	Dial	Hand	Mitchem	
Barron	Drinkard	Hilliard	Sanders	
Bennett	Ellis	Holmes	Smith (B)	
Bishop	Figures	Horn	Smith (J)	
Campbell	Foshee			—25

Nays: —0

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BILLS ON THIRD READING RESUMED

THE BILL:

H. 958. Relating to Chambers County; providing for an increase in certain court costs and providing for the disposition of the proceeds from the increase.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Langford
Amari	deGraffenried	Hale	Manley
Bailey	Dial	Hand	Mitchem
Barron	Drinkard	Hilliard	Sanders
Bennett	Ellis	Holmes	Smith (B)
Bishop	Figures	Horn	Smith (J)
Campbell	Foshee		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 959, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem
Amari	deGraffenried	Hale	Parsons
Bailey	Dial	Hand	Preuitt
Barron	Drinkard	Hilliard	Sanders
Bennett	Ellis	Langford	Smith (B)
Bishop	Figures	Manley	Smith (J)
Campbell	Foshee		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 959. Relating to Chambers County, authorizing the county commission to levy an annual license or privilege fee upon any business, except for practicing the religious tenets of any church, and to allow it to set the amount of any such business or privilege license fee at a rate of from ten dollars to one hundred dollars for each type or category of business in the county, and authorizing the county commission to promulgate all necessary or appropriate rules and regulations for the implementation and enforcement of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem
Amari	deGraffenried	Hale	Parsons
Bailey	Dial	Hand	Preuitt
Barron	Drinkard	Hilliard	Sanders
Bennett	Ellis	Langford	Smith (B)
Bishop	Figures	Manley	Smith (J)
Campbell	Foshee		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 960, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem
Amari	deGraffenried	Hale	Parsons
Bailey	Dial	Hand	Preuitt
Barron	Drinkard	Hilliard	Sanders
Bennett	Ellis	Langford	Smith (B)
Bishop	Figures	Manley	Smith (J)
Campbell	Foshee		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 960. To levy and impose on lessors or renters of tangible personal property in Chambers County an additional license or privilege tax based on the gross proceeds of such business of leasing or renting tangible personal property to be deposited into the general fund of the county treasury for the use of Chambers County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem
Amari	deGraffenried	Hale	Parsons
Bailey	Dial	Hand	Preuitt
Barron	Drinkard	Hilliard	Sanders
Bennett	Ellis	Langford	Smith (B)
Bishop	Figures	Manley	Smith (J)
Campbell	Foshee		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 961, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Amari	deGraffenried	Hilliard	Parsons	
Bailey	Dial	Holmes	Preuitt	
Barron	Drinkard	Horn	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Bishop	Figures	Manley	Smith (J)	
Campbell	Foshee			—25
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 961. Relating to Chambers County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Amari	deGraffenried	Hilliard	Parsons	
Bailey	Dial	Holmes	Preuitt	
Barron	Drinkard	Horn	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Bishop	Figures	Manley	Smith (J)	
Campbell	Foshee			—25
<i>Nays:</i>				—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 970, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Manley	
Amari	deGraffenried	Hale	Parsons	
Bailey	Denton	Hand	Preuitt	
Barron	Drinkard	Hilliard	Sanders	
Bennett	Ellis	Holmes	Smith (B)	
Bishop	Figures	Horn	Smith (J)	
Campbell	Foshee			—25
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 970. Relating to Washington County, providing further for the compensation of the district judge.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Manley	
Amari	deGraffenried	Hale	Parsons	
Bailey	Denton	Hand	Preuitt	
Barron	Drinkard	Hilliard	Sanders	
Bennett	Ellis	Holmes	Smith (B)	
Bishop	Figures	Horn	Smith (J)	
Campbell	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 972, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Amari	deGraffenried	Hale	Parsons	
Barron	Dial	Hand	Preuitt	
Bedsole	Drinkard	Hilliard	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Bishop	Figures	Manley	Smith (J)	
Campbell	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 972. Relating to the City of Centre in Cherokee County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing for cumulative voting for council members; providing for the elimination of run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Amari	deGraffenried	Hale	Parsons	
Barron	Dial	Hand	Preuitt	
Bedsole	Drinkard	Hilliard	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Bishop	Figures	Manley	Smith (J)	
Campbell	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 973, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Amari	deGraffenried	Hale	Parsons	
Barron	Dial	Hand	Preuitt	
Bedsole	Drinkard	Hilliard	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Bishop	Figures	Manley	Smith (J)	
Campbell	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 973. Relating to Cherokee County; to authorize a local citation fee for license inspector citations personally served by the license inspector, and to provide for the distribution of said fee.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Amari	deGraffenried	Hale	Parsons	
Barron	Dial	Hand	Preuitt	
Bedsole	Drinkard	Hilliard	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Bishop	Figures	Manley	Smith (J)	
Campbell	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 978, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem	
Amari	deGraffenried	Hilliard	Parsons	
Bailey	Denton	Holmes	Preuitt	
Barron	Drinkard	Horn	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Bishop	Foshee	Manley	Smith (J)	
Campbell	Hale			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 978. Relating to redeeming lands for taxes in Coffee County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem
Amari	deGraffenried	Hilliard	Parsons
Bailey	Denton	Holmes	Preuitt
Barron	Drinkard	Horn	Sanders
Bennett	Ellis	Langford	Smith (B)
Bishop	Foshee	Manley	Smith (J)
Campbell	Hale		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 979, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem
Amari	deGraffenried	Hilliard	Parsons
Bailey	Denton	Holmes	Preuitt
Barron	Drinkard	Horn	Sanders
Bennett	Ellis	Langford	Smith (B)
Bishop	Foshee	Manley	Smith (J)
Campbell	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 979. Relating to collection and distribution of casual sales and use taxes in Coffee County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem
Amari	deGraffenried	Hilliard	Parsons
Bailey	Denton	Holmes	Preuitt
Barron	Drinkard	Horn	Sanders
Bennett	Ellis	Langford	Smith (B)
Bishop	Foshee	Manley	Smith (J)
Campbell	Hale		

—25

Nays:

—0

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BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 980, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Mitchem
Amari	deGraffenried	Hale	Parsons
Bailey	Denton	Hand	Preuitt
Barron	Dial	Hilliard	Sanders
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Campbell	Ellis		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 980. Relating to Coffee County; providing further for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the Revenue Commissioner to the Probate Judge requiring an additional bond of the Probate Judge; providing for the deposit of fees and commissions in the general fund of the county; and defining terms.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Mitchem
Amari	deGraffenried	Hale	Parsons
Bailey	Denton	Hand	Preuitt
Barron	Dial	Hilliard	Sanders
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Campbell	Ellis		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 984, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Langford
Amari	deGraffenried	Hale	Mitchem
Bailey	Denton	Hand	Preuitt
Barron	Dial	Hilliard	Sanders
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Campbell	Foshee		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 984. Relating to Marshall County, levying a sales tax on certain alcoholic beverages sold at retail in the county and providing for its distribution.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Langford	
Amari	deGraffenried	Hale	Mitchem	
Bailey	Denton	Hand	Preuitt	
Barron	Dial	Hilliard	Sanders	
Bennett	Dixon	Holmes	Smith (B)	
Bishop	Drinkard	Horn	Smith (J)	
Campbell	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 392, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Amari	Corbett	Foshee	Mitchem	
Barron	Covington	Hale	Parsons	
Bedford	Denton	Hilliard	Preuitt	
Bedsole	Dial	Horn	Smith (J)	
Bennett	Dixon	Langford	Windom	
Bishop	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 392. To provide that in any Class 1 municipality any racing commission is designated as the primary law enforcement agency to enforce the provisions relating to horse racing in Class 1 municipalities; to provide access by such commission to any law enforcement records pertaining to enforcement of any provisions relating to horse racing in Class 1 municipalities; and to authorize such commission to enter into cooperative agreements with certain law enforcement agencies.

was read a third time at length and passed, and ordered sent forthwith to the House.

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Yeas 25; Nays 1.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Barron	Covington	Hale	Parsons	
Bedford	Denton	Hilliard	Preuitt	
Bedsole	Dial	Horn	Rice	
Bennett	Dixon	Langford	Smith (J)	
Bishop	Ellis	Manley	Windom	
Campbell	Figures			—25

Nay: Senator Amari —1

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 596, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons	
Amari	deGraffenried	Foshee	Rice	
Barron	Denton	Goodwin	Sanders	
Bedford	Dial	Hilliard	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Campbell	Drinkard	Manley	Windom	
Corbett	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 596. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Michael P. Sweatt for a pension based upon extraordinary disability and to award such pension if, in the judgement of the Board of Managers, such pension is required, and to provide for the conditions and limitations applying to such pension, and to set an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons	
Amari	deGraffenried	Foshee	Rice	
Barron	Denton	Goodwin	Sanders	
Bedford	Dial	Hilliard	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Campbell	Drinkard	Manley	Windom	
Corbett	Ellis			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 598, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons
Amari	deGraffenried	Foshee	Rice
Barron	Denton	Goodwin	Sanders
Bedford	Dial	Hilliard	Smith (B)
Bennett	Dixon	Horn	Smith (J)
Campbell	Drinkard	Manley	Windom
Corbett	Ellis		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 598. Relating to Jefferson County; to provide for the compensation and other benefits for the tax assessor and the tax collector and for the method of payment and funding.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 2.

Yeas:

Senators:	deGraffenried	Foshee	Preuitt
Barron	Denton	Goodwin	Rice
Bedford	Dial	Hale	Sanders
Bennett	Dixon	Hilliard	Smith (B)
Campbell	Drinkard	Horn	Smith (J)
Corbett	Ellis	Manley	Windom
Covington	Figures		

—25

Nays:

Senators:	Amari	Parsons
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—2

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 616, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons
Amari	deGraffenried	Foshee	Rice
Barron	Denton	Goodwin	Sanders
Bedford	Dial	Hilliard	Smith (B)
Bennett	Dixon	Horn	Smith (J)
Campbell	Drinkard	Manley	Windom
Corbett	Ellis		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 616. This bill establishes an expense allowance for the sheriff of Jefferson County, Alabama, and provides that this act shall begin immediately

and at the beginning of each term of office of said sheriff thereafter; including manner in which said allowance will be paid.

was taken up.

Senator Bennett offered the following substitute for the Bill, S. B. 616, to-wit:

SUBSTITUTE FOR S. B. 616

**A BILL
TO BE ENTITLED
AN ACT**

This bill establishes an expense allowance for the sheriff of Jefferson County, Alabama, and provides that this act shall begin immediately and at the beginning of each term of office of said sheriff thereafter; including manner in which said allowance will be paid.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply to Jefferson County and no other county.

Section 2. As used herein, these terms have the meanings hereby given them: "county" means Jefferson County; "sheriff" means sheriff of Jefferson County, Alabama.

Section 3. Commencing immediately and continuing at the beginning date of each successive term of office thereafter, the sheriff shall receive a monthly expense allowance in the amount of four hundred dollars (\$400.00) per month. This expense allowance shall be in addition to all other salaries and other benefits provided by law for such office.

Section 4. All expense allowances provided for by this act shall be paid in advance on the first day of each month from the treasury of Jefferson County. The sheriff receiving this expense allowance shall not be required to file an accounting thereof.

Section 5. All laws or parts of laws, whether general, local or special, in conflict with any part of this act are hereby repealed to the extent of any such conflict.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons
Amari	deGraffenried	Foshee	Rice
Barron	Denton	Goodwin	Sanders
Bedford	Dial	Hilliard	Smith (B)
Bennett	Dixon	Horn	Smith (J)
Campbell	Drinkard	Manley	Windom
Corbett	Ellis		

Nays:

—25

—0

And said Bill, S. B. 616, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 2.

Yeas:

Senators:	Covington	Figures	Preuitt	
Bailey	deGraffenried	Foshee	Rice	
Barron	Denton	Goodwin	Sanders	
Bedford	Dial	Hilliard	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Campbell	Drinkard	Manley	Windom	
Corbett	Ellis			—25

Nays:

Senators:	Amari	Parsons	—2
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BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 46, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Parsons	
Amari	Denton	Goodwin	Rice	
Barron	Dial	Hale	Sanders	
Bedford	Dixon	Hilliard	Smith (B)	
Bennett	Drinkard	Horn	Smith (J)	
Campbell	Ellis	Manley	Windom	
Covington	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 46. Relating to Jefferson County, authorizing the county commission to enact ordinances prohibiting the overgrowth of weeds and storage of certain junk and providing for penalties for violations of said ordinances.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Parsons	
Amari	Denton	Goodwin	Rice	
Barron	Dial	Hale	Sanders	
Bedford	Dixon	Hilliard	Smith (B)	
Bennett	Drinkard	Horn	Smith (J)	
Campbell	Ellis	Manley	Windom	
Covington	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 540, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Parsons
Amari	deGraffenried	Goodwin	Rice
Barron	Denton	Hale	Sanders
Bedford	Dixon	Hilliard	Smith (B)
Bennett	Drinkard	Horn	Smith (J)
Campbell	Ellis	Manley	Windom
Corbett	Figures		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 540. Relating to Jefferson County; to further amend Sections 18 and 20 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the certification of five names to fill vacancies in positions other than department head or entry-level police or firefighter positions at the option of the appointing authority, and to provide for related matters.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Parsons
Amari	deGraffenried	Goodwin	Rice
Barron	Denton	Hale	Sanders
Bedford	Dixon	Hilliard	Smith (B)
Bennett	Drinkard	Horn	Smith (J)
Campbell	Ellis	Manley	Windom
Corbett	Figures		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 541, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons
Amari	deGraffenried	Foshee	Rice
Barron	Denton	Goodwin	Sanders
Bedford	Dial	Hilliard	Smith (B)
Bennett	Dixon	Horn	Smith (J)
Campbell	Drinkard	Manley	Windom
Corbett	Ellis		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 541. Relating to Jefferson County; to further amend Section 18 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the number of eligibles to be certified to the appointing authority when one or more vacancy in the position of firefighter or police officer is to be filled, and to provide for related matters.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons	
Amari	deGraffenried	Foshee	Rice	
Barron	Denton	Goodwin	Sanders	
Bedford	Dial	Hilliard	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Campbell	Drinkard	Manley	Windom	
Corbett	Ellis			—25

Nays: —0

BILL RECONSIDERED

On motion of Senator Amari, the Senate reconsidered the vote by which the Bill, H. B. 540, was passed.

On motion of Senator Amari, the Senate reconsidered the vote by which the Bill, H. B. 540, was ordered to its third reading.

Senator Amari then offered the following amendment to the Bill, H. B. 540, to-wit:

AMENDMENT TO H. B. 540

On page 5, line 23, after the period, insert the following sentence:

This section shall not apply to promotional lists.

On page 7, line 12, after the period, insert the following sentence:

This section shall not apply to promotional lists.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons	
Amari	deGraffenried	Foshee	Sanders	
Barron	Denton	Goodwin	Smith (B)	
Bedford	Dial	Hale	Smith (J)	
Bennett	Dixon	Hilliard	Windom	
Campbell	Drinkard	Horn		
Corbett	Ellis	Manley		—25

Nays: —0

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And said Bill, H. B. 540, as thus amended, was again read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons
Amari	deGraffenried	Foshee	Sanders
Barron	Denton	Goodwin	Smith (B)
Bedford	Dial	Hale	Smith (J)
Bennett	Dixon	Hilliard	Windom
Campbell	Drinkard	Horn	
Corbett	Ellis	Manley	

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 661, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons
Amari	deGraffenried	Foshee	Sanders
Barron	Denton	Goodwin	Smith (B)
Bedford	Dial	Hale	Smith (J)
Bennett	Dixon	Hilliard	Windom
Campbell	Drinkard	Horn	
Corbett	Ellis	Manley	

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 661. To authorize the Board of Managers of the city of Birmingham Retirement and Relief System to consider the application of certain named individuals to purchase prior service time and to allow such purchase if, in the judgment of the board of managers, such purchase is reasonable, and to provide for the conditions and limitations applying to such purchase, and to set an effective date.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons
Amari	deGraffenried	Foshee	Sanders
Barron	Denton	Goodwin	Smith (B)
Bedford	Dial	Hale	Smith (J)
Bennett	Dixon	Hilliard	Windom
Campbell	Drinkard	Horn	
Corbett	Ellis	Manley	

—25

Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 661. Relating to Lawrence County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Lawrence County 2015 Commission;" to provide for the composition, officers and duties of the commission.

BILL DRINKARD,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 589, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Manley
Amari	deGraffenried	Foshee	Parsons
Barron	Denton	Goodwin	Sanders
Bedford	Dial	Hale	Smith (B)
Bennett	Dixon	Hilliard	Smith (J)
Campbell	Drinkard	Horn	Windom
Corbett	Ellis		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 589. To provide that any Class 1 municipality that owns a civic center, or any public corporation that owns a civic center located within a Class 1 municipality, shall have the power to own and operate a hotel of sufficient size and quality to accommodate persons attending conventions held at such civic center, as well as any related restaurants, meeting rooms and other facilities and services commonly provided by hotels; and to provide that any such municipality or public corporation shall be able to provide for the operation of any such hotel by entering into one or more management contracts with private companies and that any such management contract shall be exempt from the requirements of competitive bid laws.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Manley
Amari	deGraffenried	Foshee	Parsons
Barron	Denton	Goodwin	Sanders
Bedford	Dial	Hale	Smith (B)
Bennett	Dixon	Hilliard	Smith (J)
Campbell	Drinkard	Horn	Windom
Corbett	Ellis		

—25

Nays:

—0

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BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 567, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Manley	
Amari	deGraffenried	Foshee	Rice	
Barron	Denton	Goodwin	Sanders	
Bedford	Dial	Hale	Smith (B)	
Bennett	Dixon	Hilliard	Smith (J)	
Campbell	Drinkard	Horn	Windom	
Corbett	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 567. To amend further Act 85-914 of the 1985 Session of the Legislature of Alabama and all other acts pertaining to the expense allowance of the following officers of Jefferson County, Alabama: the county commissioners; to provide further for the expense allowance of the county commissioners, to provide for a method of payment, to provide for an effective date of application, to provide for repeal of any conflicting laws, and to provide for the severability of this act.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 2.

Yeas:

Senators:	deGraffenried	Foshee	Preuitt	
Barron	Denton	Goodwin	Rice	
Bedford	Dial	Hale	Sanders	
Bennett	Dixon	Hilliard	Smith (B)	
Campbell	Drinkard	Horn	Smith (J)	
Corbett	Ellis	Manley	Windom	
Covington	Figures			—25

Nays:

Senators:	Amari	Parsons	—2
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BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 519, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Horn	
Amari	Covington	Figures	Manley	
Bailey	deGraffenried	Foshee	Sanders	
Barron	Denton	Goodwin	Smith (B)	
Bedford	Dial	Hale	Smith (J)	
Bennett	Dixon	Hilliard	Windom	
Campbell	Drinkard			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 519. To establish the salaries for the following officers of Jefferson County, Alabama: the president of the county commission and the four associate county commissioners; and to provide that the salaries as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 2.

Yeas:

Senators:	Covington	Figures	Manley	
Bailey	deGraffenried	Foshee	Preuitt	
Barron	Denton	Goodwin	Sanders	
Bedford	Dial	Hale	Smith (B)	
Bennett	Dixon	Hilliard	Smith (J)	
Campbell	Drinkard	Horn	Windom	
Corbett	Ellis			—25

Nays:

Senators:	Amari	Parsons	—2
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BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 675, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Amari	Covington	Goodwin	Rice	
Bailey	deGraffenried	Hale	Sanders	
Barron	Denton	Hand	Smith (B)	
Bennett	Dial	Holmes	Smith (J)	
Bishop	Dixon	Langford	Windom	
Campbell	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 675. Relating to Shelby County, providing further for the duties of the judge of probate.

was read a third time at length and passed, and ordered sent forthwith to the House.

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Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem
Amari	Covington	Goodwin	Rice
Bailey	deGraffenried	Hale	Sanders
Barron	Denton	Hand	Smith (B)
Bennett	Dial	Holmes	Smith (J)
Bishop	Dixon	Langford	Windom
Campbell	Ellis		

—25

Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 563. Providing for a local salary supplement for the district judges of the 17th judicial circuit; providing that any local salary supplement provided for said judges by this act shall be in lieu of all local salary supplements and expense allowances heretofore provided by law for said judges; prescribing the methods for determining and funding the local salary supplement provided by this act for said judges; and repealing Act No. 81-1059, H. 6, 1981 Second Special Session.

BILL DRINKARD,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 687, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Parsons
Amari	Covington	Hale	Rice
Bedford	deGraffenried	Hilliard	Sanders
Bedsole	Denton	Holmes	Smith (B)
Bennett	Dial	Langford	Smith (J)
Bishop	Dixon	Manley	Windom
Campbell	Ellis		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 687. To amend Act No. 82-693 passed by the Alabama Legislature and approved by the Governor (as amended by Act No. 84-454) which provides for the creation and establishment of the Shelby County Planning Commission, so as to further provide for membership, organization, authority and function of the Shelby County Planning Commission.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Parsons	
Amari	Covington	Hale	Rice	
Bedford	deGraffenried	Hilliard	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dial	Langford	Smith (J)	
Bishop	Dixon	Manley	Windom	
Campbell	Ellis			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 845, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Horn	
Amari	Covington	Figures	Langford	
Bailey	deGraffenried	Foshee	Manley	
Bedford	Denton	Goodwin	Mitchem	
Bedsole	Dial	Hand	Parsons	
Bishop	Dixon	Holmes	Preuitt	
Campbell	Drinkard			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 845. Relating to Baldwin County; to amend Act No. 609, H. 1167 of the 1900-1901 Legislature of Alabama levying a special tax within constitutional limits to sustain them to provide for the support of the public schools of Baldwin County, so as to add a new section 10 which partially suspends the tax so long as a certain sales tax, levied by ordinance, is effective.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Horn	
Amari	Covington	Figures	Langford	
Bailey	deGraffenried	Foshee	Manley	
Bedford	Denton	Goodwin	Mitchem	
Bedsole	Dial	Hand	Parsons	
Bishop	Dixon	Holmes	Preuitt	
Campbell	Drinkard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 974, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bennett	Dial	Hilliard	Parsons	
Bishop	Dixon	Holmes	Preuitt	
Campbell	Drinkard	Horn	Rice	
Corbett	Ellis	Langford	Sanders	
Covington	Figures	Manley	Windom	
deGraffenried	Goodwin			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 974. Relating to Autauga County; to create a license-issuing division within the judge of probate's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; and to transfer certain duties and responsibilities now performed by the tax assessor and tax collector to said probate office.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bennett	Dial	Hilliard	Parsons	
Bishop	Dixon	Holmes	Preuitt	
Campbell	Drinkard	Horn	Rice	
Corbett	Ellis	Langford	Sanders	
Covington	Figures	Manley	Windom	
deGraffenried	Goodwin			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 996, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Preuitt	
Amari	Covington	Hand	Rice	
Bedford	deGraffenried	Hilliard	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dial	Mitchem	Smith (J)	
Bishop	Dixon	Parsons	Windom	
Campbell	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 996. Relating to Bibb County; to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county; to provide for collection of said tax by the state revenue department; to distribute the net proceeds of said tax to the county general fund; to provide for termination of the tax unless continued at a referendum; and to repeal Act No. 88-877 of the 1988 Regular Session.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Preuitt	
Amari	Covington	Hand	Rice	
Bedford	deGraffenried	Hilliard	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dial	Mitchem	Smith (J)	
Bishop	Dixon	Parsons	Windom	
Campbell	Ellis			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 1001, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Parsons	
Amari	Covington	Hand	Rice	
Bailey	deGraffenried	Hilliard	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dial	Horn	Smith (J)	
Bishop	Dixon	Manley	Windom	
Campbell	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1001. Relating to Bibb County, providing for a special recording fee for each document filed for record in the office of the probate judge and providing for the distribution of such fees.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Parsons	
Amari	Covington	Hand	Rice	
Bailey	deGraffenried	Hilliard	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dial	Horn	Smith (J)	
Bishop	Dixon	Manley	Windom	
Campbell	Ellis			—25

Nays: —0

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BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 1015, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Horn	
Amari	Denton	Goodwin	Langford	
Bailey	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Mitchem	
Bennett	Drinkard	Hilliard	Parsons	
Bishop	Ellis	Holmes	Preuitt	
Campbell	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1015. To authorize the Butler County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Horn	
Amari	Denton	Goodwin	Langford	
Bailey	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Mitchem	
Bennett	Drinkard	Hilliard	Parsons	
Bishop	Ellis	Holmes	Preuitt	
Campbell	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 908, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Holmes	Preuitt	
Bailey	deGraffenried	Horn	Rice	
Barron	Dial	Langford	Sanders	
Bedsole	Drinkard	Manley	Smith (B)	
Bishop	Figures	Mitchem	Smith (J)	
Campbell	Goodwin	Parsons	Windom	
Corbett	Hand			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 908. Relating to Mobile County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Holmes	Preuitt	
Bailey	deGraffenried	Horn	Rice	
Barron	Dial	Langford	Sanders	
Bedsole	Drinkard	Manley	Smith (B)	
Bishop	Figures	Mitchem	Smith (J)	
Campbell	Goodwin	Parsons	Windom	
Corbett	Hand			— 25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 907, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Langford	
Amari	Covington	Figures	Manley	
Bailey	deGraffenried	Goodwin	Mitchem	
Barron	Denton	Hand	Parsons	
Bedsole	Dial	Holmes	Rice	
Bishop	Dixon	Horn	Windom	
Campbell	Drinkard			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 907. Relating to the City of Mobile; providing further for cost-of-living increases for persons retired from the city board of health.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Langford	
Amari	Covington	Figures	Manley	
Bailey	deGraffenried	Goodwin	Mitchem	
Barron	Denton	Hand	Parsons	
Bedsole	Dial	Holmes	Rice	
Bishop	Dixon	Horn	Windom	
Campbell	Drinkard			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 143, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Preuitt
Amari	Covington	Figures	Rice
Bailey	deGraffenried	Goodwin	Sanders
Barron	Denton	Hand	Smith (B)
Bedsole	Dial	Holmes	Smith (J)
Bishop	Dixon	Horn	Windom
Campbell	Drinkard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 143. Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Preuitt
Amari	Covington	Figures	Rice
Bailey	deGraffenried	Goodwin	Sanders
Barron	Denton	Hand	Smith (B)
Bedsole	Dial	Holmes	Smith (J)
Bishop	Dixon	Horn	Windom
Campbell	Drinkard		

—25

Nays: —0

Senator Amari requested and received permission to suspend the Rules in order to bring up the following Bill.

BUDGET ISOLATION RESOLUTION

Senator Amari, B. I. R., H. B. 514, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley
Amari	Denton	Hale	Mitchem
Bailey	Dial	Hand	Parsons
Bedsole	Drinkard	Horn	Windom
Covington	Foshee	Langford	

—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 514. Providing that any elected assistant district attorney shall receive all entitlements enumerated in Title 12, Chapter 17, Article 6 of the Code of Alabama 1975.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Amari	Denton	Hale	Mitchem	
Bailey	Dial	Hand	Parsons	
Bedsole	Drinkard	Horn	Windom	
Covington	Foshee	Langford		—18

Nays: —0

RESOLUTION

Senators Goodwin and Covington offered the following Senate Joint Resolution, to-wit:

S. J. R. 191. COMMENDING OUR COLLEAGUE LESTER WHITE OF DADEVILLE, RECIPIENT OF THE OUTSTANDING LEGISLATOR AWARD.

WHEREAS, it is with great personal pleasure that the Alabama Legislature congratulate our colleague Lester White of Dadeville as the recipient of the Department of Human Resources Commissioner's Merit Award recognizing Mr. White as Outstanding Legislator of the Year; and

WHEREAS, cited by the Commissioner for his "interest in the betterment of the quality of life for the citizens of Alabama," Representative White was nominated for this prestigious honor by the Tallapoosa County DHR; and

WHEREAS, in dedicated support of the Department of Human Resources and the vital services the department provides, Mr. White was the sponsor of the legislation which changed the name of the agency to the Department of Human Resources, thereby creating a more positive image of the department; he also has sponsored two fee bills regarding the investigation of independent adoption placements and investigations of custody disputes; and

WHEREAS, Lester White has indeed been a faithful friend and strong supporter of the Department of Human Resources for a number of years and, for his continuing championship of the needs of DHR, has earned the gratitude of the entire department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of commendation with the Department of Human Resources, we hereby recognize our colleague Lester White of Dadeville, Alabama, for outstanding support of the needs of the children and all citizens of the State of Alabama; we further congratulate him as the recipient of the Commissioner's Award of Merit as the Outstanding Legislator of the Year, and direct that he receive a copy of this resolution of sincere praise and highest personal regard.

On motion of Senator Covington, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Communication from the Superintendent of Education and ordered same returned to the Senate with a favorable report, to-wit:

Election of O. H. Delchamps, Jr. to the Board of Trustees, University of Alabama

On motion of Senator Mitchem, further consideration of the election of Mr. Delchamps was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 38. Relating to Morgan County; providing for minimum compensation for the bailiffs of said county.

Also:

H. 500. Relating to Pike County; repealing Act No. 87-760, H. 853, Regular Session 1987 (Acts 1987, p. 1481) entitled, "An Act Relating to Pike County; levying certain additional court costs and providing that the proceeds shall be utilized for the establishment of a legislative delegation office."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 417. Relating to St. Clair County; amending Act No. 81-74, H. 253, 1981 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to increase the allowance for election officials who work at polling places and the returning officer.

Also:

H. 670. To fix the fee for the issuance of pistol permits in Randolph County and provide for the deposit of such fees in a fund known as the

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Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

Also:

H. 778. Relating to Pickens County; providing further for the compensation for election officials and repealing Act No. 79-185, S. 351, 1979 Regular Session.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 286. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-102, 9-17-104, 9-17-106, 9-17-107, 9-17-108 and 9-17-109 of the Code of Alabama 1975, as amended; to amend Sections 9-17-101 and 9-17-105 of the Code of Alabama 1975, as amended by Act No. 88-142 of the 1988 Regular Session; and to provide for administrative remedies with rights to appeal for correcting noncompliance with law and with regulations of the Liquefied Petroleum Gas Board.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 712. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on solid waste disposed of in Pickens County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Communication from the Superintendent of Education and ordered same returned to the Senate with a favorable report, to-wit:

Election of Jack Edwards to the Board of Trustees, University of Alabama

On motion of Senator deGraffenried, further consideration of the election of Mr. Edwards was postponed subject to the call of the Chair.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Representative Jack Venable to the Board of Trustees, Auburn University.

On motion of Senator Rice, the appointment of Representative Venable was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Senators:	Bishop	Dial	Langford
Amari	Campbell	Drinkard	Manley
Bailey	Corbett	Foshee	Mitchem
Barron	Covington	Goodwin	Parsons
Bedford	deGraffenried	Hale	Preuitt
Bedsole	Denton	Hand	Rice
Bennett			

—24

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 124. To amend Section 22-6-8, Code of Alabama 1975, which relates to the revocation of the Medicaid eligibility of certain recipients, so as to institute procedure whereby a pregnant woman who has been suspended from the Medicaid program for abuse, fraud or misuse can have her suspended status changed to restricted status so that pregnancy related services only can be received for her unborn child.

JOHN W. PEMBERTON,
Clerk.

**FURTHER CONSIDERATION OF
COMMUNICATION FROM THE SUPERINTENDENT
OF EDUCATION**

The Senate proceeded to further consideration of the election of Mr. Jack Edwards to the Board of Trustees, University of Alabama.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. White (L) and Hooper:

H. 1022. Making the following amendments to Section 27-27-44, Code of Alabama, 1975, pertaining to the process by which a mutual insurance company may convert to a stock insurance company: subdivision (b) (4) is amended to allow for greater flexibility in defining the class of policyholders eligible to receive distributions of stock or surplus as a result of the conversion; and, subdivision (b) (5) is amended to allow for the distribution of stock in a proposed parent corporation of the converting insurer.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1022—to the Committee on Rules

MOTION TO ADJOURN LOST

At 11:59 P.M., Senator Bishop moved that the Senate adjourn until Thursday, April 27, 1989, at 11 o'clock A.M., which motion was lost.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 365

S. B. 509

S. B. 592

S. B. 388

Delivered to the Governor, April 26, 1989, at 4:16 P.M.

S. B. 73

S. J. R. 140

S. J. R. 167

S. J. R. 62

S. J. R. 165

Delivered to the Governor, April 26, 1989, at 5:14 P.M.

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S. B. 214

Delivered to the Governor, April 26, 1989, at 8:34 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

The hour of Midnight having arrived, in accordance with Motion heretofore adopted and pending further consideration of the Bill, S. B. 31, the Senate adjourned until Thursday, April 27, 1989, at 11 o'clock A.M.

TWENTY-FOURTH LEGISLATIVE DAY

THURSDAY, APRIL 27, 1989

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Don Hale, Fourth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Vicki Hudson, St. Jude High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Foshee	Mitchem
Amari	Corbett	Goodwin	Parsons
Bailey	Covington	Hale	Preuitt
Barron	deGraffenried	Hand	Rice
Bedford	Denton	Hilliard	Sanders
Bedsole	Dial	Holmes	Smith (B)
Bennett	Drinkard	Horn	Smith (J)
Bishop	Ellis	Langford	Windom
Cabaniss	Figures	Manley	

—34

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-third Legislative Day and finds same correct and containing all original entires and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Twenty-third Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senator Dixon for today.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 124. To amend Section 22-6-8, Code of Alabama 1975, which relates to the revocation of the Medicaid eligibility of certain recipients, so as to institute procedure whereby a pregnant woman who has been suspended from the Medicaid program for abuse, fraud or misuse can have her suspended status changed to restricted status so that pregnancy related services only can be received for her unborn child.

Also:

S. 286. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-102, 9-17-104, 9-17-106, 9-17-107, 9-17-108 and 9-17-109 of the Code of Alabama 1975, as amended; to amend Sections 9-17-101 and 9-17-105 of the Code of Alabama 1975, as amended by Act No. 88-142 of the 1988 Regular Session; and to provide for administrative remedies with rights to appeal for correcting noncompliance with law and with regulations of the Liquefied Petroleum Gas Board.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 616. This bill establishes an expense allowance for the sheriff of Jefferson County, Alabama, and provides that this act shall begin immediately and at the beginning of each term of office of said sheriff thereafter; including manner in which said allowance will be paid.

BILL DRINKARD,
Chairperson.

FURTHER CONSIDERATION OF ELECTION

The Senate proceeded to further consideration of the election of Mr. O. H. Delchamps, Jr. to the Board of Trustees, University of Alabama.

On motion of Senator Horn, the election of Mr. Delchamps was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Bailey	Covington	Goodwin	Preuitt	
Barron	deGraffenried	Hale	Rice	
Bedford	Denton	Horn	Smith (B)	
Bedsole	Drinkard	Langford	Windom	
Cabaniss	Ellis	Manley		—22

Nays: —0**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 831. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Tallapoosa County so as to authorize the county commission to increase certain court costs, to provide for disposition of the increased fees and to provide for retroactive effect.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 886. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection in Choctaw County, so as to provide for the levy and collection of certain additional property tax for fire protection in said county.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 899. To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 934. Proposing an amendment to the Constitution of Alabama of 1901, relating to additional ad valorem taxes in Choctaw County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 768. Relating to Escambia County, providing for the establishment and financing of a county law library and repealing Act No. 596, S. 779, 1969 Regular Session, as amended.

Also:

H. 774. Relating to Conecuh County; to amend Section 9 of Act No. 86-322, 1986 Regular Session, so as to remove the requirement that the county roads be maintained and constructed as a unit.

Also:

H. 807. Relating to Cullman County; to amend further Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), which act levies a sales and use tax in Cullman County and provides for the distribution and use of the tax proceeds, so as to remove a special, separate account established to receive such tax proceeds; to remove the bonding requirements of the custodian of public school funds of Cullman County; and to require the custodian of public school funds to deposit such tax revenues or proceeds into the general fund of the Cullman County school system.

Also:

H. 808. Relating to Cullman County; providing for the county commission on education to reimburse the office of the county superintendent of education for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county allocated for schools.

Also:

H. 510. Relating to Marion County; authorizing and providing for the incorporation of the Marion County Public Water Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state

such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Also:

H. 535. Relating to Etowah County; to provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable or educational purposes shall be legal in Etowah County; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Etowah County.

Also:

H. 711. Relating to Franklin County; amending Act No. 88-560, S. 665, 1988 Regular Session, which provides for a privilege tax on certain automotive vehicles, so as to clarify the provisions relating to the distribution on the proceeds from the tax.

Also:

H. 717. To amend Section 2 of Act No. 158, H. 178, 1973 Regular Session, pertaining to levying and collecting assessments on forestland in Cullman County.

Also:

H. 729. Relating to Lamar County; authorizing and providing for the incorporation of the Lamar County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants,

water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Also:

H. 730. Relating to Lamar County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Senator Bedford offered the following Senate Joint Resolution, to-wit:

S. J. R. 192. COMMENDING THE BIRMINGHAM STARS U-15 SOCCER TEAM FOR THEIR OUTSTANDING ACCOMPLISHMENTS.

WHEREAS, the Birmingham Stars Soccer Team will represent Alabama at a prestigious International Soccer Tournament to be played in Lund, Sweden, between June 10 and June 23, 1989; and

WHEREAS, this outstanding team was formed in 1984 of young men born in 1974 or 1975 who are from various communities in and around Birmingham; and

WHEREAS, this team competes in the Classic Division which is the highest recognized level of play in the Southeast; and

WHEREAS, the Birmingham Stars have won numerous tournaments in recent years including the 1989 Magic City Invitational Tournament; and

WHEREAS, through discipline, dedication, and hard work, this team has emerged as one of the leading teams in the Southeast United States and has now been afforded the opportunity to showcase its exceptional talent in an international setting; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby highly commend the Birmingham Stars U-15 Soccer Team for their outstanding accomplishments and we wish for them great success at the International Tournament in Sweden this summer.

RESOLVED FURTHER, That a copy of this resolution be sent to each member of the Birmingham Stars U-15 Soccer Team.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

BILL RECONSIDERED

On motion of Senator Rice, the Senate reconsidered the vote by which the Bill, H. B. 855, was passed.

On motion of Senator Rice, further consideration of the Bill, H. B. 855, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 902. Relating to Russell County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

Also:

H. 905. Relating to Lauderdale County, providing further for the compensation of the license commissioner.

Also:

H. 906. Relating to Morgan County; providing for an additional expense allowance for the court reporter of the Eighth Judicial Circuit.

Also:

H. 923. Relating to Pike County; authorizing the Pike County Commission to levy an additional county privilege, license, or excise tax on the

sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire protection; and expressing legislative intent regarding said contracts.

Also:

H. 811. Relating to Chilton County, providing for a special recording fee for each document filed for record in the office of the probate judge and to provide for the distribution of such fees.

Also:

H. 812. Relating to Crenshaw County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 859. Relating to Lauderdale County; amending Act No. 84-387, H. 757, 1984 Regular Session, so as to provide further for the term and compensation of the revenue commissioner.

Also:

H. 862. Relating to Marshall County, amending Act No. 87-522, 1987 Regular Session, which provides for a tobacco tax, so as to provide further for the collection of said tax.

Also:

H. 865. Relating to Crenshaw County; authorizing the county commission to levy an additional sales and use tax paralleling the state sales and use tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63, Code of Alabama 1975, as amended; providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for termination of this act unless continued by a majority of the electors of Crenshaw County in a referendum.

Also:

H. 927. Relating to Lowndes County, amending Act No. 166, H. 137, 1961 Regular Session, which levies a sales tax, so as to provide further for the distribution of the tax.

Also:

H. 893. Relating to Randolph County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Randolph County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

Also:

H. 898. Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

Also:

H. 890. To remove certain property from within the municipal limits of Bear Creek in Marion County.

Also:

H. 928. Relating to Lowndes County; to amend Section 12 of Act No. 87-620, H. 1088 of the 1987 Regular Session (Acts 1987, p. 1097) as amended, which levies an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes thereof so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

Also:

H. 929. Relating to Lowndes County; to amend Section 6 of Act No. 87-523, H. 1090 of the 1987 Regular Session (Acts 1987, p. 791) which levies a county privilege, license or excise tax on tobacco and certain tobacco products so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

Also:

H. 930. Relating to Lowndes County; to grant the county commission certain power relating to levying or increasing county business or privilege licenses.

Also:

H. 941. Relating to Clay County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Clay County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

Also:

H. 947. To amend the title and sections 1, 2, 3, 4 and 5 of Act No. 54, H. 378, approved June 28, 1965 (Acts 1965, p. 75), which provides for a junior college and trade school scholarship program for residents of Franklin County, Alabama, so as to provide for a community college scholarship program for such residents and for the manner of awarding such scholarships.

Also:

H. 949. To amend Section 6 of Act No. 515, H. 756, approved September 14, 1963 (Acts 1963, p. 1100), which levied a tobacco tax in Franklin County,

Alabama, so as to provide further for the disposition of the proceeds of the revenue from such tax.

Also:

H. 958. Relating to Chambers County; providing for an increase in certain court costs and providing for the disposition of the proceeds from the increase.

Also:

H. 959. Relating to Chambers County, authorizing the county commission to levy an annual license or privilege fee upon any business, except for practicing the religious tenets of any church, and to allow it to set the amount of any such business or privilege license fee at a rate of from ten dollars to one hundred dollars for each type or category of business in the county, and authorizing the county commission to promulgate all necessary or appropriate rules and regulations for the implementation and enforcement of this act.

Also:

H. 833. To provide for the levy and collection of special county privilege and license taxes in Houston County paralleling the state sales tax provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes in Houston County paralleling the state use tax provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the period of time during which and the rates at which such taxes shall be levied; to provide for the distribution of the proceeds of such taxes; and to provide for the enforcement of this act by the State Department of Revenue.

Also:

H. 835. Relating to Dale County; abolishing the office of constable; and providing an effective date.

Also:

H. 960. To levy and impose on lessors or renters of tangible personal property in Chambers County an additional license or privilege tax based on the gross proceeds of such business of leasing or renting tangible personal property to be deposited into the general fund of the county treasury for the use of Chambers County.

Also:

H. 961. Relating to Chambers County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

Also:

H. 970. Relating to Washington County, providing further for the compensation of the district judge.

Also:

H. 972. Relating to the City of Centre in Cherokee County; providing further for the manner of electing the members of the city council so as to

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remove the designation of place number for any council member; providing for cumulative voting for council members; providing for the elimination of run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

Also:

H. 973. Relating to Cherokee County; to authorize a local citation fee for license inspector citations personally served by the license inspector, and to provide for the distribution of said fee.

Also:

H. 996. Relating to Bibb County; to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county; to provide for collection of said tax by the state revenue department; to distribute the net proceeds of said tax to the county general fund; to provide for termination of the tax unless continued at a referendum; and to repeal Act No. 88-877 of the 1988 Regular Session.

Also:

H. 978. Relating to redeeming lands for taxes in Coffee County, Alabama.

Also:

H. 979. Relating to collection and distribution of casual sales and use taxes in Coffee County, Alabama.

Also:

H. 980. Relating to Coffee County; providing further for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the Revenue Commissioner to the Probate Judge requiring an additional bond of the Probate Judge; providing for the deposit of fees and commissions in the general fund of the county; and defining terms.

Also:

H. 984. Relating to Marshall County, levying a sales tax on certain alcoholic beverages sold at retail in the county and providing for its distribution.

Also:

H. 845. Relating to Baldwin County; to amend Act No. 609, H. 1167 of the 1900-1901 Legislature of Alabama levying a special tax within constitutional limits to sustain them to provide for the support of the public schools of Baldwin County, so as to add a new section 10 which partially suspends the tax so long as a certain sales tax, levied by ordinance, is effective.

Also:

H. 908. Relating to Mobile County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Also:

H. 974. Relating to Autauga County; to create a license-issuing division within the judge of probate's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; and to transfer certain duties and responsibilities now performed by the tax assessor and tax collector to said probate office.

Also:

H. 1001. Relating to Bibb County, providing for a special recording fee for each document filed for record in the office of the probate judge and providing for the distribution of such fees.

Also:

H. 1015. To authorize the Butler County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 907. Relating to the City of Mobile; providing further for cost-of-living increases for persons retired from the city board of health.

Also:

H. 514. Providing that any elected assistant district attorney shall receive all entitlements enumerated in Title 12, Chapter 17, Article 6 of the Code of Alabama 1975.

Also:

H. 143. Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

Also:

H. 46. Relating to Jefferson County, authorizing the county commission to enact ordinances prohibiting the overgrowth of weeds and storage of certain junk and providing for penalties for violations of said ordinances.

Also:

H. 541. Relating to Jefferson County; to further amend Section 18 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the number of eligibles to be certified to the appointing authority when one or more vacancy in the position of firefighter or police officer is to be filled, and to provide for related matters.

Also:

H. 661. To authorize the Board of Managers of the city of Birmingham Retirement and Relief System to consider the application of certain named individuals to purchase prior service time and to allow such purchase if, in the judgment of the board of managers, such purchase is reasonable, and to provide for the conditions and limitations applying to such purchase, and to set an effective date.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF ELECTION

The Senate proceeded to further consideration of the election of Mr. Jack Edwards to the Board of Trustees, University of Alabama.

On motion of Senator Windom, the election of Mr. Edwards was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Rice
Bedsole	Drinkard	Horn	Sanders
Cabaniss	Ellis	Langford	Smith (B)
Campbell	Figures	Manley	Windom

—27

Nays:

—0

FURTHER CONSIDERATION OF EXECUTIVE AMENDMENT TO H. B. 177

The hour of 11:30 A.M. having arrived, the Senate then proceeded to further consideration of the Bill, to-wit:

H. 177. To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county and the voters within the corporate limits of any municipality in the county, on the question of whether the act will become effective.

The question was on the substitute motion of Senator Sanders that the Senate non-concur in the Executive Amendment.

On motion of Senator Barron, said substitute motion was laid on the table.

The question then recurred on the motion of Senator Barron, which motion was adopted, and the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 177, the title of which and said Executive amendment are set out in the Journal of the Senate for the Twenty-Third Legislative Day.

Yeas 9; Nays 6.

Abstaining 8.

Yeas:

Senators:	Campbell	Horn	Mitchem	
Barron	Foshee	Langford	Preuitt	
Bedsole	Goodwin			—9

Nays:

Senators:	Cabaniss	Manley	Smith (B)	
Amari	Figures	Sanders		—6

Abstaining:

Senators:	Ellis	Hand	Rice	
Bedford	Hale	Parsons	Windom	
deGraffenried				—8

which was a majority of the whole number elected to the Senate.

INTRODUCTION OF BILL

Upon the call of districts, the bill was introduced, read one time, and referred to appropriate standing committee, as follows:

By Senator Bedford (With Notice and Proof):

S. 710. Relating to Lamar County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Lamar County; and providing for a referendum election.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 710, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 217. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama and the United

Cerebral Palsy Development Center for East Central Alabama and from the State General Fund for the Simpson-May Cerebral Palsy Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 217, without the Governor's signature and with a suggested Executive Amendment.

Done this 6th day of April, 1989.

Respectfully submitted,
HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 217, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 217:

Please amend House Bill No. 217 on page 1, Section 1. after the figure "\$500,000).", by striking the words ~~Said monies to be equitably distributed solely as reimbursement for certified or licensed services to provide early intervention programs to children with cerebral palsy or related motor disabilities.~~

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 6th day of April, 1989.

Respectfully,
GUY HUNT,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 217 by a vote of a majority of those voting, said vote being: Yeas 57, Nays 0.

And said Bill, H. B. 217, as thus amended by the Executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 63, Nays 0.

And said Bill, H. B. 217, together with Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Corbett, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 217, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 20; Nays 2.

Abstaining 1.

Yeas:

Senators:	Covington	Goodwin	Manley	
Bailey	deGraffenried	Hale	Rice	
Barron	Denton	Hand	Sanders	
Bedford	Ellis	Horn	Smith (B)	
Bedsole	Foshee	Langford	Windom	
Cabaniss				—20

Nays:

Senators:	Corbett	Figures	—2
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<i>Abstaining:</i> Senator Smith (J)	—1
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which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 142. Relating to the Teachers' Retirement System of Alabama; providing that certain persons employed by state junior colleges and state technical colleges may elect to purchase credited service for certain time such persons were on leave of absence; providing for the cost of such credited service; and providing for the expiration date of such option.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 142, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 142

A BILL TO BE ENTITLED AN ACT

Relating to the Teachers' Retirement System of Alabama; providing that certain persons employed by state junior colleges and state technical colleges

may elect to purchase credited service for certain time such persons were on leave of absence; providing for the cost of such credited service; and providing for the expiration date of such option.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. All employees of state junior colleges and state technical colleges who have been in such service for five years or more and who are participating in the Teachers' Retirement System of Alabama on the effective date of this act may elect to purchase credit for any time they were on leave of absence from such service between the dates of March 30, 1984, and July 1, 1986.

Section 2. Any employee electing to purchase credit pursuant to section 1 of this act shall pay to the secretary-treasurer within one year after the effective date of this act, a lump sum payment equal to a percentage of the current annual salary of such person; the applicable percentage shall be the sum of the prevailing percentage rates of employer and member contributions as required by the most recent actuarial valuation.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley
Amari	Corbett	Goodwin	Preuitt
Bailey	Covington	Hale	Rice
Barron	deGraffenried	Hand	Smith (B)
Bedford	Denton	Holmes	Smith (J)
Bedsole	Ellis	Horn	Windom
Cabaniss	Figures	Langford	

—26

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, vetoing the Bill, H. B. 400, said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 400, without the Governor's signature and approval, but with the following veto message.

Done this 6th day of April, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 400 without my signature.

After reviewing this bill relating to Lamar County sales and use tax on casual sales of motor vehicles, I find that it is a duplicate bill to Senate Bill No. 350 which is now Act No. 89-190, dated April 4, 1989.

The sponsor of this bill has been contacted by my office, and I understand that he has no objections to the veto of House Bill No. 400.

For the foregoing reasons, I hereby veto House Bill No. 400 I encourage you to join me in this decision.

Done on this the 6th day of April, 1989.

Respectfully,

GUY HUNT,
Governor.

And the Bill:

H. 400. Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975; specifying the rates at which such tax shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said tax; providing for enforcement of this act; specifically repealing Act No. 88-939, S. 216, 1988 First Special Session (Acts 1988, p. 553) and providing for the refund of certain taxes collected pursuant to such act; and providing that the provisions of this act shall be retroactive to October 1, 1988.

was again read at length and passed, the Governor's veto to the contrary notwithstanding, by a vote of the whole number elected to the House, said vote being: Yeas 54, Nays 0.

And said Bill, H. B. 400 together with the Governor's Message, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Bedford, the Senate reconsidered the Bill, H. B. 400, the title of which is set out in the foregoing Message from the House.

And said Bill, H. B. 400, was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the Senate, said vote being:

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Hale	Parsons
Amari	deGraffenried	Hand	Preuitt
Bedford	Dial	Holmes	Rice
Bennett	Drinkard	Horn	Sanders
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Mitchem	Windom
Campbell	Foshee		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 61. To establish an Alabama Uniform Fraudulent Transfer Act and provide: definitions; provisions for debtor insolvency; to clarify the meaning of value; determination as to transfers fraudulent as to present and future creditors; determination as to when the transfer is made; remedies of creditors; provisions for defenses, liability and protection of the transferee; and how a claim for relief is extinguished. This bill applies only to transfers made or obligations incurred after the effective date of this Act and further repeals Alabama Code sections 8-9-6, 8-9-7, and 8-9-9 (1975) as amended. The act will become effective January 1, 1990.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 61, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 61

A BILL TO BE ENTITLED AN ACT

To establish an Alabama Uniform Fraudulent Transfer Act; to provide definitions; to provide for debtor insolvency; to clarify the meaning of value;

to provide for determination as to transfers fraudulent as to present and future creditors; to provide for determination as to when the transfer is made; to provide remedies of creditors, provisions for defenses, liability and protection of the transferee; and how a claim for relief is extinguished; to provide for application of the act; to repeal Alabama Code sections 8-9-6, 8-9-7, and 8-9-9 (1975) as amended relating to fraudulent conveyances and assignments of property to defraud creditors; and to provide that the Act shall become effective January 1, 1990.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definitions.

As used in this Act:

(1) "Affiliate" means:

(i) a person who directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the outstanding voting securities of the debtor, other than a person who holds the securities,

(A) as a fiduciary or agent without sole discretionary power to vote the securities; or

(B) solely to secure a debt, if the person has not exercised the power to vote;

(ii) a corporation 20 percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the debtor or a person who directly or indirectly owns, controls, or holds, with power to vote, 20 percent or more of the outstanding voting securities of the debtor, other than a person who holds the securities,

(A) as a fiduciary or agent without sole power to vote the securities; or

(B) solely to secure a debt, if the person has not in fact exercised the power to vote;

(iii) a person whose business is operated by the debtor under a lease or other agreement or a person substantially all of whose assets are controlled by the debtor, or

(iv) a person who operates the debtor's business under a lease or other agreement or controls substantially all of the debtor's assets.

(2) "Asset" means property of a debtor, but the term does not include:

(i) property to the extent it is encumbered by a valid lien;

(ii) property to the extent it is generally exempt under nonbankruptcy law; or

(iii) an interest in property held in tenancy in common for life with cross contingent remainder to the survivor in fee to the extent it is not subject to process by a creditor holding a claim against only one tenant.

(3) "Claim" means a right to payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

- (4) "Creditor" means a person who has a claim.
- (5) "Debt" means liability on a claim.
- (6) "Debtor" means a person who is liable on a claim.
- (7) "Includes" is not a limiting term.
- (8) "Insider" includes:
 - (i) if the debtor is an individual,
 - (A) a relative of the debtor or of a general partner of the debtor;
 - (B) a partnership in which the debtor is a general partner;
 - (C) a general partner in a partnership described in clause (B);or
 - (D) a corporation of which the debtor is a director, officer, or person in control;
 - (ii) if the debtor is a corporation,
 - (A) a director of the debtor;
 - (B) an officer of the debtor;
 - (C) a person in control of the debtor;
 - (D) a partnership in which the debtor is a general partner;
 - (E) a general partner in a partnership described in clause (D);or
 - (F) a relative of a general partner, director, officer, or person in control of the debtor,
 - (iii) if the debtor is a partnership,
 - (A) a general partner in the debtor;
 - (B) a relative of a general partner in, a general partner of, or a person in control of the debtor;
 - (C) another partnership in which the debtor is a general partner;
 - (D) a general partner in a partnership described in clause (C);or
 - (E) a person in control of the debtor;
 - (iv) an affiliate, or an insider of an affiliate as if the affiliate were the debtor; and
 - (v) a managing agent of the debtor.
- (9) "Lien" means a charge against or an interest in property to secure payment of a debt or performance of an obligation, and includes a security interest created by agreement, a judicial lien obtained by legal or equitable process or proceedings, a common-law lien, or a statutory lien.
- (10) "Person" means an individual, partnership, corporation, association, organization, government or governmental subdivision or agency, business trust, estate, trust, or any other legal or commercial entity.

(11) "Property" means both real and personal property, whether tangible or intangible, and any interest in property whether legal or equitable and includes anything that may be the subject of ownership.

(12) "Relative" means an individual related by consanguinity within the third degree as determined by the common law, a spouse, or an individual related to a spouse within the third degree as so determined, and includes an individual in an adoptive relationship within the third degree.

(13) "Transfer" means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with an asset or an interest in an asset, and includes payment of money, release, lease, and creation of a lien or other encumbrance.

(14) "Valid lien" means a lien that is effective against the holder of a judicial lien subsequently obtained by legal or equitable process or proceedings.

Section 2. Insolvency.

(a) A debtor is insolvent if the sum of the debtor's debts is greater than all of the debtor's assets at a fair valuation.

(b) A debtor who is generally not paying his debts as they become due is presumed to be insolvent.

(c) A partnership is insolvent under subsection (a) if the sum of the partnership's debts is greater than the aggregate, at a fair valuation, of all of the partnership's assets and the sum of the excess of the value of each general partner's nonpartnership assets over the partner's nonpartnership debts.

(d) Assets under this section do not include property that has been transferred, concealed, or removed with intent to hinder, delay, or defraud creditors or that has been transferred in a manner making the transfer voidable under this Act.

(e) Debts under this section do not include an obligation to the extent it is secured by a valid lien on property of the debtor not included as an asset.

Section 3. Value.

(a) Value is given for a transfer if, in exchange for the transfer, property is transferred or an antecedent debt is secured or satisfied, but value does not include an unperformed promise to furnish support to the debtor or another person made otherwise than in the ordinary course of the promisor's business.

(b) For the purposes of Sections 4(c) and 5(a), a person gives a reasonably equivalent value if the person acquires an interest of the debtor in an asset pursuant to a regularly conducted, noncollusive foreclosure sale or execution of a power of sale for the acquisition or disposition of the interest of the debtor upon default under a mortgage, deed of trust, or security agreement.

(c) A transfer is made for present value if the exchange between the debtor and the transferee is intended by them to be contemporaneous and is in fact substantially contemporaneous.

Section 4. Transfers Fraudulent as to Present and Future Creditors.

(a) A transfer made by a debtor is fraudulent as to a creditor, whether the creditor's claim arose before or after the transfer was made if the debtor

made the transfer with actual intent to hinder, delay or defraud any creditor of the debtor.

(b) In determining actual intent under subsection (a), consideration may be given, among other factors, to whether:

- (1) the transfer was to an insider;
- (2) the debtor retained possession or control of the property transferred after the transfer;
- (3) the transfer was disclosed or concealed;
- (4) before the transfer was made the debtor had been sued or threatened with suit;
- (5) the transfer was of substantially all the debtor's assets;
- (6) the debtor absconded;
- (7) the debtor removed or concealed assets;
- (8) the value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred;
- (9) the debtor was insolvent or became insolvent shortly after the transfer was made;
- (10) the transfer occurred shortly before or shortly after a substantial debt was incurred; and
- (11) the debtor transferred the essential assets of the business to a lienor who transferred the assets to an insider of the debtor.

(c) A transfer made by a debtor is fraudulent as to a creditor, whether the creditor's claim arose before or after the transfer was made, if the debtor made the transfer without receiving a reasonably equivalent value in exchange for the transfer and the debtor:

- (1) was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction; or
- (2) intended to incur, or believed or reasonably should have believed that he or she would incur, debts beyond his or her ability to pay as they became due.

Section 5. Transfers Fraudulent as to Present Creditors.

(a) A transfer made by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made if the debtor made the transfer without receiving a reasonably equivalent value in exchange for the transfer and the debtor was insolvent at that time or the debtor became insolvent as a result of the transfer.

(b) A transfer made by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made if the transfer was made to an insider for an antecedent debt and the debtor was insolvent at that time and the insider had reasonable cause to believe that the debtor was insolvent.

Section 6. When Transfer is Made.

For the purposes of this Act:

(1) a transfer is made:

(i) with respect to an asset that is real property other than a fixture, but including the interest of a seller or purchaser under a contract for the sale of the asset, when the transfer is so far perfected that a good-faith purchaser of the asset from the debtor against whom applicable law permits the transfer to be perfected cannot acquire an interest in the asset that is superior to the interest of the transferee; and

(ii) with respect to an asset that is not real property or that is a fixture, when the transfer is so far perfected that a creditor on a simple contract cannot acquire a judicial lien otherwise than under this Act that is superior to the interest of the transferee;

(2) if applicable law permits the transfer to be perfected as provided in subdivision (1) and the transfer is not so perfected before the commencement of an action for relief under this [Act], the transfer is deemed made immediately before the commencement of the action;

(3) if applicable law does not permit the transfer to be perfected as provided in subdivision (1), the transfer is made when it becomes effective between the debtor and the transferee.

(4) except with respect to personal property and fixtures where a lender has perfected its security interest in such property in which event Section 6(1)(ii) shall apply, a transfer is not made until the debtor has acquired rights in the asset transferred;

Section 7. Remedies of Creditors.

(a) In an action for relief against a transfer under this Act, the remedies available to creditors, subject to the limitations in Section 8, include:

(1) avoidance of the transfer to the extent necessary to satisfy the creditor's claim;

(2) an attachment or other provisional remedy against the asset transferred or other property of the transferee in accordance with the procedure prescribed by any applicable provision of any other statute or the Alabama Rules of Civil Procedure;

(3) subject to applicable principles of equity and in accordance with applicable rules of civil procedure,

(i) an injunction against further disposition by the debtor or a transferee, or both, of the asset transferred or of other property;

(ii) appointment of a receiver to take charge of the asset transferred or of other property of the transferee; or

(iii) any other relief the circumstances may require.

(b) If a creditor has obtained a judgment on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset transferred or its proceeds.

Section 8. Defenses, Liability, and Protection of Transferee.

(a) A transfer is not voidable under Section 4(a) against a person who took in good faith and for a reasonably equivalent value or against any subsequent transferee or obligee who took in good faith.

(b) Except as otherwise provided in this section, to the extent a transfer is voidable in an action by a creditor under Section 7(a)(1), the creditor may recover judgment for the value of the asset transferred, as adjusted under subsection (c), or the amount necessary to satisfy the creditor's claim, whichever is less, or judgment for conveyance of the asset transferred. The judgment may be entered against:

(1) the first transferee of the asset or the person for whose benefit the transfer was made; or

(2) any subsequent transferee other than a good faith transferee who took for value or from any subsequent transferee.

(c) If the judgment under subsection (b) is based upon the value of the asset transferred, the judgment must be for an amount equal to the value of the asset at the time of the transfer, subject to adjustment as the equities may require.

(d) Notwithstanding voidability of a transfer under this Act, a good-faith transferee is entitled, to the extent of the value given the debtor for the transfer or to another person as a consequence of the debtor's making such transfer, to

(1) a lien on or a right to retain any interest in the asset transferred;
or

(2) a reduction in the amount of the liability on the judgment.

(e) A transfer is not voidable under Section 4(c) or Section 5 if the transfer results from:

(1) termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law; or

(2) enforcement of a security interest in compliance with Article 9 of Title 7, Code of Alabama 1975 of the Uniform Commercial Code or a regularly conducted, noncollusive foreclosure sale or execution of a power of sale for the acquisition or disposition of the interest of the debtor under a mortgage or deed of trust.

(f) A transfer is not voidable under Section 5(b):

(1) to the extent the insider gave new value to or for the benefit of the debtor after the transfer was made unless the new value was secured by a valid lien;

(2) if made in the ordinary course of business or financial affairs of the debtor and the insider; or

(3) if made pursuant to a good-faith effort to rehabilitate the debtor and the transfer secured present value given for that purpose as well as antecedent debt of the debtor.

Section 9. Extinguishment of Claim for Relief.

A claim for relief with respect to a fraudulent transfer under this Act is extinguished unless action is brought:

(a) under Section 4(a) within 10 years after the transfer of real property was made.

(b) under Section 4(a) within 6 years after the transfer of personal property was made.

(c) under Section 4(c) or 5(a), within 4 years after the transfer was made when the action is brought by a creditor whose claim arose before the transfer was made.

(d) under Section 4(c), within 1 year after the transfer was made when the action is brought by a creditor whose claim arose after the transfer was made; or

(e) under Section 5(b), within 1 year after the transfer was made.

Section 10. Supplementary Provisions.

Unless displaced by the provisions of this Act, the principles of law and equity, including the law merchant and the law relating to principal and agent, estoppel, laches, fraud, misrepresentation, duress, coercion, mistake, insolvency, or other validating or invalidating cause, supplement its provisions.

Section 11. Uniformity of Application and Construction.

This Act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this Act among states enacting it.

Section 12. Short Title.

This Act may be cited as the Alabama Uniform Fraudulent Transfer Act.

Section 13. Repeal.

Alabama Code sections 8-9-6; 8-9-7; and 8-9-9 are hereby repealed.

Section 14. Applicability.

This Act is applied to transfers made after the effective date of the Act.

Section 15. Severability.

If any provision of this Act or the applicability thereof is held to be invalid, the remaining provisions of this Act shall not be affected.

Section 16. This Act shall become effective January 1, 1990.

Yeas 17; Nays 1.

Yeas:

Senators:	Campbell	Figures	Hand
Amari	Corbett	Foshee	Horn
Barron	deGraffenried	Goodwin	Langford
Bedford	Denton	Hale	Windom
Cabaniss	Ellis		

—17

Nay: Senator Manley

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 147. To provide the procedure under which a molder may dispose of molds, dies or patterns used for pouring plastic or casting metal absent a written agreement.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Cabaniss, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 147, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 147

Amend S. B. 147, Page 1, Section 2, Line 33, after the word "form" by striking the word "~~possessed~~" and adding in lieu thereof the word owned

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Dial	Hand	
Amari	Campbell	Ellis	Horn	
Barron	Corbett	Figures	Langford	
Bedford	Covington	Foshee	Manley	
Bedsole	deGraffenried	Goodwin	Rice	
Bennett	Denton	Hale	Smith (B)	—23

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 795. Relating to Houston County; amending the title, section 2 and section 7 of Act No. 88-386, H. 768, 1988 Regular Session, relating to certain levies, collection and distribution of certain tobacco taxes, so as to eliminate the provisions relating to an advisory referendum and providing for the net revenues to be paid into the county general fund.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 540. Relating to Jefferson County; to further amend Sections 18 and 20 of an act designated as Act No. 248 of the Regular Session of the

Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the certification of five names to fill vacancies in positions other than department head or entry-level police or firefighter positions at the option of the appointing authority, and to provide for related matters.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 852. Relating to the City of Marion in Perry County; authorizing the Marion City governing body to levy an additional ad valorem tax to be used for purposes for which general funds may be used and providing for a referendum on such taxes.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 914. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county and providing for retroactive effect.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 150. To propose an admendment to the Constitution of Alabama of 1901 to authorize the operation of bingo games in Etowah County.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING

Senator Corbett requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 805. To create a fund in the state treasury to be known as the Governor's Contingency Fund; to define the purposes for which said fund

may be used and the manner of making withdrawals therefrom; to provide for the appropriation thereto; and to provide the effective date of this act.

On motion of Senator Corbett, further consideration of the Bill was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 546. Relating to Conecuh County; amending the title and Section 4 of Act No. 86-222, H. 771 of the 1986 Regular Session (Acts 1986, p. 322) providing for the election of the County Board of Education members by single-member districts and repealing certain conflicting acts, so as to correct an incorrect act number from Act 84-641 to Act 84-642.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 546, without the Governor's signature and with a suggested Executive Amendment.

Done this 6th day of April, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 546, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 546:

Please amend on page 1, line 23, by striking the number "322" and inserting in lieu thereof the number "1295".

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 6th day of April, 1989.

Respectfully,
GUY HUNT,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 546 by a vote of a majority of those voting, said vote being: Yeas 62, Nays 0.

And said Bill, H. B. 546, as thus amended by the Executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 75, Nays 0.

And said Bill, H. B. 546, together with Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Manley, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 546, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Parsons	
Bailey	deGraffenried	Hale	Preuitt	
Barron	Denton	Hand	Rice	
Bedsole	Dial	Hilliard	Smith (B)	
Bennett	Drinkard	Horn	Smith (J)	
Cabaniss	Ellis	Manley	Windom	
Campbell	Figures			—25

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 642. Amending Act No. 80-164, H. 167, 1980 Regular Session, which supplements the salaries of the Circuit Judges of the Thirteenth Judicial Circuit in Mobile County, so as to increase said supplement.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, vetoing the Bill, H. B. 72, said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 72, without the Governor's signature and approval, but with the following veto message.

Done this 6th day of April, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 72 without my signature.

This bill would establish and promote governmental competition with private enterprise in the communications industry.

For the foregoing reasons, I hereby veto House Bill No. 72 I encourage you to join me in this decision.

Done on this the 6th day of April, 1989.

Respectfully,

GUY HUNT,
Governor.

And the Bill:

H. 72. Relating to the City of Livingston in Sumter County; authorizing the City of Livingston as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the City and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the act from the jurisdiction and control of the Alabama Public Service Commission.

was again read at length and passed, the Governor's veto to the contrary notwithstanding, by a vote of the whole number elected to the House, said vote being: Yeas 64, Nays 0.

And said Bill, H. B. 72 together with the Governor's Message, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Sanders the Senate reconsidered the Bill, H. B. 72, the title of which is set out in the foregoing Message from the House.

And said Bill, H. B. 72, was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the Senate, said vote being:

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Manley
Amari	Campbell	Foshee	Parsons
Bailey	Corbett	Goodwin	Preuitt
Barron	Covington	Hilliard	Sanders
Bedford	Denton	Holmes	Smith (J)
Bedsale	Dial	Horn	Windom
Bishop	Drinkard		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 574. Relating to Etowah County; levying an additional ad valorem tax in the county, pursuant to Constitutional Amendment No. 373, Constitution of 1901, as amended, for school district capital improvement purposes and providing for an appropriate referendum; and providing for the discontinuance of such tax.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, further consideration of the following House amendment to the Bill, S. B. 574, the title of which is set out in the foregoing Message from the House was postponed subject to the call of the Chair.

AMENDMENT TO S. B. 574

Amend S. B. 574, Page 1, in the Title, on Line 16, after the word and semicolon "referendum;" by adding the following: providing for certain exemptions;

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Further amend S. B. 574, Page 3, immediately following Line 8 by inserting the following new Section 6 and renumbering the subsequent sections accordingly:

Section 6. No person who is 65 years of age and older nor any person whose annual gross income is \$6,500 or less shall be subject to this act and the property or properties of such persons shall be exempt from any tax levied by this act.

FURTHER CONSIDERATION OF H. B. 805

The Senate proceeded to further consideration of the Bill, to-wit:

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., H. B. 805, adopted.

Yeas 21; Nays 2.

Yeas:

Senators:	Campbell	Ellis	Manley
Barron	Covington	Goodwin	Preuitt
Bedford	deGraffenried	Hale	Rice
Bedsole	Denton	Horn	Smith (B)
Bennett	Dial	Langford	Windom
Cabaniss	Drinkard		

—21

Nays:

Senators:	Corbett	Sanders
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—2

BILLS ON THIRD READING RESUMED

THE BILL:

H. 805. To create a fund in the state treasury to be known as the Governor's Contingency Fund; to define the purposes for which said fund may be used and the manner of making withdrawals therefrom; to provide for the appropriation thereto; and to provide the effective date of this act.

was taken up.

The Standing Committee on Banking and Insurance reported the following amendment to the Bill, H. B. 805, to-wit:

AMENDMENT TO H. B. 805

Amend H. B. 805, page 3, beginning on line 9, by striking Section 6 in its entirety and substituting in lieu thereof the following:

"Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law and shall apply to the expenditures of funds appropriated for the Governor's Contingency Fund for the fiscal year 1988-89 contained in Act 88-953."

Which was adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	Covington	Hale	Manley	
Bailey	deGraffenried	Hand	Mitchem	
Barron	Dial	Hilliard	Preuitt	
Bedsole	Drinkard	Holmes	Rice	
Cabaniss	Ellis	Horn	Smith (B)	
Campbell	Goodwin	Langford	Windom	—23

Nays:

Senators:	Corbett	Parsons	—2
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And said Bill, H. B. 805, as thus amended, was read a third time at length and passed.

Yeas 27; Nays 2.

Yeas:

Senators:	Campbell	Goodwin	Manley	
Amari	Covington	Hale	Mitchem	
Bailey	deGraffenried	Hand	Preuitt	
Barron	Dial	Hilliard	Rice	
Bedsole	Drinkard	Holmes	Smith (B)	
Bennett	Ellis	Horn	Smith (J)	
Cabaniss	Figures	Langford	Windom	—27

Nays:

Senators:	Corbett	Parsons	—2
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MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 604. To provide that the local governing bodies in Lowndes County and the Lowndes County governing body shall have certain mandatory authority and participation in solid waste collection and disposal programs; to provide for the authority of said local governing bodies to adopt by resolutions and ordinances reasonable rules and regulations relating to such participation; to provide for certain public nuisance violations and fines; to provide for certain assessments and procedures, all relating to solid waste collection and disposal facilities; to provide for fees and assessments, and fines for violations; to provide for hearings of aggrieved parties and fines.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 604, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 604

A BILL
TO BE ENTITLED
AN ACT

To provide that the local governing bodies in Lowndes County and the Lowndes County governing body shall have certain mandatory authority and participation in solid waste collection and disposal programs; to provide for the authority of said local governing bodies to adopt by resolutions and ordinances reasonable rules and regulations relating to such participation; to provide for certain public nuisance violations and fines; to provide for certain assessments and procedures, all relating to solid waste collection and disposal facilities; to provide for fees and assessments, and fines for violations; to provide for hearings of aggrieved parties and fines.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Any law to the contrary notwithstanding, in addition to any and all other provisions of law or parts of law, relating to solid waste disposal programs, the provisions of this act shall also be applicable in Lowndes County, in order to preserve the health, safety and welfare of its people.

(b) The provisions of this act shall be cumulative to any and all other provisions of law relating to solid waste disposal programs and services except to the extent there is a direct conflict herewith.

Section 2. In Lowndes County, the county commission, or any municipal governing body therein, providing services to the public under the provisions of this act shall have the power and authority by resolution or ordinance to adopt rules and regulations providing for mandatory public participation in and subscription to such system of services. Every individual, household, business, industry or property generating solid wastes, garbage or ash as defined in this section shall participate in and subscribe to such system of service unless granted a certificate of exception as provided in subsection (f) of Section 4. In the event such individual, household, business, industry or property owner who has not been granted a certificate of exception refuses to participate in and subscribe to such system of service, the county commission or municipal governing body may bring an appropriate civil action in circuit court to require participation and subscription. Except as provided in subsection (f) of Section 4, any person, firm or corporation violating such rules and regulations shall be in violation of the provisions of this act and shall be subject to the provisions of Section 22-27-7, Code of Alabama 1975, as amended.

Section 3. The county commission shall not provide solid waste collection and disposal services within the corporate limits of a municipality without the express consent of the municipal governing body of such municipality nor shall any municipality provide solid waste collection and disposal services outside its corporate limits without the express consent of the county commission of the county in which it is situated.

Section 4. As used in this act, the following words shall have the following meanings respectively ascribed to them unless the context clearly indicates otherwise:

(a) Solid waste officer. Any county official or county employee designated by the county commission to exercise the authority and perform the duties delegated by this act to such official.

(b) Garbage disposal. Garbage and rubbish containing garbage shall be disposed of by sanitary landfill, approved incineration, composting or by other means now available or which may later become available as approved by the governing body. The method chosen and used shall also meet the requirements of the county health department for sanitation and the protection of public health.

(c) Burning. No garbage or rubbish containing garbage or other putrescible materials or hazardous wastes shall be burned except in approved incinerators meeting the regulations of the Alabama Department of Environmental Management requirements and air pollution controls as now established or as may later be established. The open burning of rubbish shall be permitted only under sharply controlled circumstances where sanitary landfill or landfill is not feasible and not in proximity to sanitary landfill or landfill operations where spread of fire to these operations may be a hazard in the opinion of the department.

(d) Haulage. Trucks or other vehicles engaged in the business of hauling garbage and rubbish which use public roads shall be so covered, secured or sealed that there will be no loss during haulage to cause littering of county or municipal roads, streets and highways, or cause a nuisance or hazard to the public health.

(e) Department. Alabama Department of Environmental Management.

(f) Exception. A person, household, business, industry or any property owner may store, haul and dispose of his own solid wastes on his land or otherwise, provided such storage, haulage or disposal is accomplished pursuant to a certificate of exception as provided by the state. In order to obtain a certificate of exception, an application, an application fee, and plan must be filed with the county health officer or his designee in the case of household solid waste or with the department in the case of solid waste from business or industry, setting out the proposed method of storing, hauling and disposing of solid waste so as to comply with rules and regulations adopted by the state or county boards of health or the department as appropriate and not create a public nuisance or hazard to the public health. A permit relating to the storage, haulage, or disposal of solid waste issued by the Alabama Department of Environmental Management shall serve as a certificate of exception. The certificate of exception application fee shall be established by the state board of health or the department, as the case may be, except that with regard to an individual household such fee shall be \$25.00. The proceeds from such application fees are hereby appropriated to the state board of health or the department, as the case may be, to be used for the administration of the provisions of this act. The county health officer or his designee or the department as appropriate shall investigate such application and plan and issue a certificate of exception within the time set by the state board of health or the department, as the case may be (not to exceed sixty days in the case of an individual household), if such proposal will, in such officer's or designee's or the department's judgment, comply with such rules and regulations and adequately prevent a public nuisance or

hazard to public health. A certificate of exception granted under authority of this subsection shall be valid for the period established by the department, except that in the case of an individual household such period shall not exceed one year. The county health officer or his designee or the department shall notify the county commission or municipal governing body in writing of the intention to grant a certificate of exception and no such certificate of exception shall be granted without prior written approval of the county commission or municipal governing body as the case may be, except where a department permit serves as a certificate of exception.

Section 5. (a) The Lowndes County commission shall by resolution provide for the orderly collection of fees charged under the provisions of this act. The county commission may establish a periodic payment system and is authorized to purchase necessary supplies and materials and employ personnel necessary to effectuate any such periodic payment system. Such periodic payment system may be effected by the county by negotiating with any one or more public or private utilities providing service in the county for the periodic billing of such fees and the collection thereof on behalf of the county by one or more such utilities. Any delinquencies in any such payments shall entitle the county to pursue any remedy provided in this act including the enforcement of any lien obtained hereunder. The county may agree to pay reasonable compensation to any such utility for its services in connection with the collection and payment to the county of all such sums so collected.

(b) Whenever the solid waste officer shall find that any owner of solid waste generating property has failed to subscribe to the county solid waste collection program and pay the required solid waste collection and disposal fees or has failed to obtain a certificate of exception as provided in this act, such failure shall constitute a public nuisance and such officer shall give the person, firm, association or corporation last assessing the property for state taxes and all mortgages of record notice by personally serving upon such person, firm, association, corporation, or mortgagee a copy of said notice to comply with the requirements of this act within a reasonable time set out in said notice, which time shall be not less than sixty days, or suffer such solid waste collection and disposal fees to be assessed against the property. In the event that any such personal service is returned "Not Found" after not less than two attempts, such notice may be given by registered or certified mail. The mailing of such notice, properly addressed and postage prepaid, shall constitute notice as required herein. Notice of such order, or a copy thereof, prior to the delivery or mailing of the same as required by the immediately preceding two sentences, may also be, but is not required to be, posted at or within three feet of an entrance to the building or structure, provided that if there is no entrance such notice may be posted at any location upon such property.

(c) Should such notice not be complied with within sixty days, all necessary employees of such county are hereby expressly authorized to enter said private property for the purpose of providing solid waste collection and disposal services. The cost of such services, including any monthly fees not theretofore paid, shall be rendered in an itemized report and shall constitute a special assessment against said property. Such special assessment shall not be greater than the cost to the county for providing such solid waste collection and disposal services nor shall such special assessment be greater than twenty dollars multiplied by the number of months of service, not to exceed twelve months, which have not been paid for by the property owner. A copy of said report of costs will be forwarded to the appropriate official charged with

collection of taxes and assessments whereupon it shall be the duty of said official to add the amount of the respective assessment to the next regular bill for taxes levied against the said property for county purposes. Thereafter said amounts shall be collected at the same time and in the same manner as ordinary county taxes are collected. Said amounts shall be a lien in favor of the county upon property against which the assessment was made and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary county taxes.

(d) Within the time specified in such notice, but not more than sixty days from the date such notice is given, any person, firm or corporation having an interest in such property may file a written request for a hearing before the county commission, together with his objections to the finding by the solid waste officer that such property owner has failed to comply with the provisions of this act, and his correct mailing address. The filing of such request shall hold in abeyance any action on the finding of such officer until determination thereon is made by the county commission. Upon holding such hearing, which hearing shall be held not less than ten nor more than sixty days after such request, or in the event no hearing is timely requested, the county commission, after the expiration of sixty days from the date such notice is given, shall determine whether or not such owner has complied with the provisions of this act. Notice of such meeting of the county commission, and that such determination will be made thereat, shall be mailed to the person, firm or corporation requesting the hearing at the address stated in the request. In the event that it is determined by such county commission that such property owner has not complied with the provisions of this act, the county commission shall order such assessment to be made.

(e) Any person aggrieved by the decision of the county commission at such hearing may, within thirty days thereafter, appeal to the circuit court upon filing with the clerk of said court notice of said appeal and bond for security of costs in the form and amount to be approved by the circuit clerk. Upon filing of said notice of appeal and approval of the bond, the clerk of the court shall serve a copy of said notice of appeal on the county clerk or administrator and said appeal shall be docketed in said court, and shall be a preferred case therein. The county clerk or administrator shall, upon receiving such notice, file with the circuit clerk a copy of the findings and determination of the county commission in proceedings, and trial shall be held without jury upon the determination of the county commission that such property owner has failed to comply with the provisions of this act.

Section 6. With regard to the collection of solid wastes, the health department shall exercise such supervision over equipment, methodology and personnel in the management of solid wastes as may be necessary to enforce sanitary requirements, and the state and county boards of health may adopt such rules and regulations as may be needed to specify methodology and procedures to meet the requirements of this act. With regard to the disposal of solid wastes, the department shall exercise such regulatory control over the management of solid wastes as may be necessary to enforce the requirements of the department, and the department may adopt such rules and regulations as may be needed to meet the requirements of this act. Any person violating any provision of this act or any rule or regulation made pursuant to this act shall be guilty of a violation and, upon conviction, shall be fined as provided by state law and not less than \$50.00 nor more than \$250.00 and, if the violation or failure or refusal to obey or comply with such provision of this act or such rule or regulation is a continuing one,

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each day's violation shall constitute a separate offense and shall be fined accordingly. Any person, firm or corporation granted an exception under this act who, or which, fails to carry out and comply with the provisions of the proposals embodied in the application and plan upon which a certificate of exception was issued to him or it shall be guilty of a misdemeanor and shall be punished as provided in this section. Any person, firm or corporation which has not been issued a certificate of exception under this act and which utilizes the solid waste disposal system of any county or municipality and which fails to pay the fee, rate or charge established by the county commission or municipal governing body therefor shall be guilty of a violation and shall be fined as provided in this section.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective 30 days after its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Langford
Bailey	Covington	Goodwin	Manley
Barron	deGraffenried	Hale	Parsons
Bedsole	Dial	Hand	Preuitt
Bennett	Drinkard	Hilliard	Sanders
Bishop	Ellis	Horn	Windom
Cabaniss	Figures		

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Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 141. To amend Section 8-8-14, Code of Alabama 1975, which provides for an interest surcharge on loans and credit sales, so as to provide further for said interest and surcharges.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Penry, Box, and Clark (J):

H. 311. To establish the Uniform Commercial Driver License Act, setting testing and licensing standards for operators and employers of commercial vehicles; to prescribe that certain minimum information be included

on commercial driver licenses; to define groups of commercial vehicles; to provide for the cost of licenses, restrictions and endorsements for each such group; to exclude certain vehicles for personal or recreational purposes and certain testing for certain persons with certain skills and experience and to grandfather in certain persons; to prescribe the qualifications for applications and the manner of testing and licensing; to provide that no person shall be eligible to hold more than one driver license; to prescribe certain notification processes; to require employers to obtain and determine certain information about applicants and drivers; to provide for the issuance of permits; to authorize the director and department to issue, promulgate and enforce certain guidelines, conditions, standards, rules and regulations, pursuant to the provisions of this act and federal regulations; prescribing lifetime and temporary revocations and suspensions of license for certain felony violations involving controlled substances and driving while under the influence with certain blood concentrations; to authorize the director and the department of public safety to enter into certain contracts or agreements to implement the provisions of this act and reciprocity with other states, provinces and territories, and to provide the conditions therefor; to provide for the full faith and credit of out-of-state convictions; to prescribe certain criminal penalties and punishment for certain violations, upon conviction, and to make such penalties and punishment cumulative to any and all other such provisions; and to specifically repeal laws conflicting with this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 311—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable:

H. 998. Proposing a constitutional amendment, pursuant to Amendment 425 of the Constitution of 1901, relating to Coosa County and the manner and method of compensating associate county commissioners, and providing for the election thereon.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 998—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Logan and Newman (With Notice and Proof):

H. 1055. Relating to Marion County; providing that any monies collected from the additional court costs levied by Act No. 85-933, H. 243, 1985 Second Special Session (Acts 1985, p. 235), and amendment thereto and Act No. 85-934, S. 216, 1985 Second Special Session (Acts 1985, p. 235) and paid to the clerk of the circuit court under the authority of such acts, shall be distributed to the Marion County department of human resources for deposit in a separate fund; and to provide that the interest derived from such monies shall be used for handicapped children in the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1055, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1055—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Willis (With Notice and Proof):

H. 1053. Relating to the City of Jacksonville in Calhoun County, to amend Act 2182, H. 2753 of the 1971 Regular Session (Acts of 1971, p. 3489) as last amended, pertaining to the Jacksonville Civil Service System, so as to alter the compensation of board members; to provide for the board's annual budget; and to alter the number of persons on an eligible list from which the appointing authority may select.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1053, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Newman (With Notice and Proof):

H. 1054. Relating to Fayette County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Fayette County; and providing for a referendum.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1054, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Crow, Willis, and Campbell (With Notice and Proof):

H. 1057. Relating to Calhoun County, Alabama; to authorize Calhoun County in the furtherance of the public health, safety and general welfare of the citizens of the county to engage in arranging for fire hydrants on and along all water mains of appropriate diameter in unincorporated areas of Calhoun County; to authorize Calhoun County to negotiate and enter into agreements, with any entity or entities owning or maintaining water mains or systems, as may be necessary to allow fire hydrants to be provided pursuant to the provisions of this act; to provide for the county's responsibility in regard to fire hydrants provided pursuant to this act; to authorize Calhoun County to establish and maintain special funds for the purposes of providing such fire hydrants and for the inspection and maintenance of such fire hydrants; to allow the investment by the county of funds so as to generate adequate income for the continued inspection and maintenance of fire hydrants provided pursuant to this act; to authorize Calhoun County to set the amount required for the purchase and installation of a fire hydrant and the amount necessary to provide for the continued inspection and maintenance of a fire hydrant; to require a person or legal entity desiring a fire hydrant to pay the county the amounts set by the county commission for its purchase and installation and its inspection and maintenance; to provide that all entities now or in the future providing water or water services within the boundaries of Calhoun County shall be required to make all purchases, and to do all installations, maintenance and servicing of fire hydrants, provided under the provisions of this act, for their usual and customary charges for such purchases and services; to authorize Calhoun County to levy and collect an inspection and maintenance fee should such become necessary; to require municipalities which are formed or which annex land with fire hydrants into their corporate limits to assume full responsibility for the continued inspection and maintenance of fire hydrants within such annexed or newly incorporated areas, or to provide for the adequate assumption of such responsibility; and to provide that the furnishing of fire hydrants pursuant to this act is a governmental function and to exempt Calhoun County from all tort liability in connection with the providing of fire hydrants pursuant to this act.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1057, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1053, 1054, and 1057—to the Committee on Local Legislation
No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Dillard:

H. 289. To amend Section 38-2-7, Code of Alabama 1975, which creates local county boards of human resources and specifies who may serve as members of such local boards, so as to state that no person who is related by consanguinity or affinity within the fourth degree or nearer under the civil law to any person who is elected to public office, who is a candidate for public office, or who is an employee of the local Department of Human Resources shall be a member of any such county board of human resources.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 289—to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 297. To amend Section 9-11-246, Code of Alabama 1975, as last amended, relating to the penalties for the violation of Sections 9-11-244 and 9-11-245, Code of Alabama 1975, so as to increase and further provide for the penalties for violating Section 9-11-244 with respect to deer or turkey.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Petelos and Wright:

H. 537. To amend section 13A-12-231, Code of Alabama 1975, so as to provide an additional criminal penalty for possessing a firearm during the commission of any act proscribed by said section and to provide for distribution of criminal fines.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 537—to the Committee on Judiciary

RESOLUTION

Senators Holmes, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Horn, Langford, Manley, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), Smith (J), and Windom offered the following Senate Joint Resolution, to-wit:

S. J. R. 193. COMMENDING COACH RUDY ABBOTT OF JACKSONVILLE STATE UNIVERSITY.

WHEREAS, Rudy Abbott has made a significant impact on Jacksonville State University in more than two decades of service, both as Sports Information Director and Head Baseball Coach; and

WHEREAS, Rudy Abbott's 600 career victories have made him one of only four coaches in NCAA Division II history to achieve this lofty goal; and

WHEREAS, Rudy Abbott has become the winningest coach in Alabama history with more than 605 career wins; and

WHEREAS, Rudy Abbott has directed four Jacksonville State University baseball teams to the College World Series, ten to the NCAA Region playoffs, four to Gulf South Conference Championships and 12 to Gulf South Conference Divisional crowns; and

WHEREAS, Rudy Abbott has coached 38 All-Gulf South Conference performers, 18 All-Americans and sent 44 to the professional ranks; and

WHEREAS, Rudy Abbott has been recognized by his peers as Gulf South Conference "Coach of the Year" five times and NCAA District "Coach of the Year" on four different occasions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend

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Rudy Abbott for his long and distinguished service to Jacksonville State University and its athletic program, and for the outstanding recognition he has attained for the University in all phases of his profession.

BE IT FURTHER RESOLVED, That in token of sincere admiration and regard, a copy of this resolution shall be forwarded to Coach Abbott.

On motion of Senator Holmes, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hogan (With Notice and Proof):

H. 1021. Relating to Walker County; amending Sections 6 and 14 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263) as amended, relating to the county civil service system, so as to provide further for the compensation of the members of the civil service board; and to provide for electronically recorded hearings and for transcripts.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1021, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Parker and Drake (With Notice and Proof):

H. 1023. Relating to portions of Morgan County, to authorize the county governing body to levy an additional ad valorem tax, to provide said tax shall be subject to voter approval at a referendum, to provide for the collection and administration of said tax, to provide for the distribution of funds derived from said tax to volunteer fire departments and certain emergency medical technicians, to establish certain standards for eligible volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department and to provide that the county shall be immune from certain liability.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1023, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1021 and 1023—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell (With Notice and Proof):

H. 1019. Relating to Calhoun County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide for the collection and disposition of a special indexing fee; and to provide said system shall constitute official and permanent records in Calhoun County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1019, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Clark (J) (With Notice and Proof):

H. 1020. Relating to Barbour County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1020, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1019 and 1020—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kvalheim, Gaston, and Harper:

H. 625. To amend Section 40-9-1, Code of Alabama 1975, which provides for exemptions from ad valorem taxes, so as to exempt property owned by the Disabled American Veterans.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 625—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Butler, Grouby, Hall, Freeman, Carter, Brooks, Harvey, Marks, and Richardson:

H. 747. To amend Sections 11-98-2, 11-98-4 and 11-98-5, Code of Alabama 1975, relating to emergency telephone service, so as to provide further for procedures relating to the creation of communications districts; to provide further for personnel employed in such districts; and to provide that such districts may receive certain property and make certain expenditures.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 747—to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hamilton, Lindsey, Butler, Carter, McKee, Rogers, Laird, Gray, and Turnham:

H. 602. To amend Sections 34-17-7, 34-17-21, 34-17-24, 34-17-25, and 34-17-26, Code of Alabama 1975, relating to landscape architecture, so as to provide that district attorneys shall be responsible for collecting certain fines and prosecuting certain violators, to provide further for the time when evidence of certain qualifications shall be submitted, to provide further for

a penalty for late payment of fees, to provide further for delinquent annual fees, to provide that the board shall establish and prescribe fees for certain services and to provide for temporary licensing in certain situations and pursuant to certain requirements.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 602—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hall, Freeman, Brooks, Sanderford, and Butler:

H. 1028. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Madison County Commission to excavate human graves.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1028—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Parker (With Notice and Proof):

H. 1026. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780 of the 1986 Regular Session (Acts 1986, p. 595) relating to the salary and expense allowances of the county superintendent of education so as to provide further for such salary and allowances.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1026, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

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Also:

By Rep. Parker (With Notice and Proof):

H. 1027. Relating to Lawrence County; providing for the establishment of a system for assessment and collection of taxes and issuance of licenses under the supervision of elected county officials designated as county revenue commissioner and county license commissioner upon referendum approved by the electors of the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1027, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Parker (With Notice and Proof):

H. 1029. Relating to Lawrence County, to increase certain court costs and provide for the distribution of the additional court costs.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1029, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s—1026, 1027, and 1029—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn:

H. 497. To amend §§16-25-3 and 36-27-4, Code of Alabama 1975, which prohibits participation in the Teachers' or Employees' Retirement System of Alabama by persons age 61 or older; to further provide that a member of the Teachers' Retirement System or the Employees' Retirement System who was prohibited from participating in his respective retirement system because such member was age 61 or older at the time of employment may purchase credit for such service.

Also:

By Rep. McDowell:

H. 945. To establish a procedure whereby a Class 5 municipality may adopt a mayor-council form of government; to provide for the election of a

mayor and council members, the method of establishing salaries, certain duties and responsibilities; and to provide for the continuation of laws applicable to said cities.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 497—to the Committee on Finance and Taxation

H. B. 945—to Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Turner, Gray, and Curry:

H. 468. To amend certain sections in Title 40 of the Code of Alabama 1975, relating to crimes and offenses committed by employees of the Department of Revenue for violations of revenue and taxation statutes, regulations and procedure requiring confidentiality of information and certain exclusions therefrom; to amend Section 40-18-52, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of income tax returns and income tax information and to otherwise clarify its provisions; to amend Section 40-1-33, Code of Alabama 1975, so as to increase the punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue; to amend Section 40-1-33, Code of Alabama 1975, to provide for the promulgation of rules and regulations permitting the exchange of tax information with other federal, state, county and municipal government tax agencies; and to amend Section 40-1-33 and Section 40-18-52 so as to exclude the orders of the revenue department's administrative law judge and testimony of witnesses in administrative hearings and in court from the confidentiality provisions of said statutes and makes said orders and testimony of witnesses public documents; and to specifically repeal Sections 40-23-29, 40-23-84, 40-14-57 and 40-17-202 of the Code of Alabama 1975.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to the appropriate Standing Committee, as follows:

H. B. 468—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Mathis, Carothers, and Beasley:

H. 451. To exempt for civil liability any negligent act, with the exception of acts amounting to willful or wanton misconduct, or fraud, or gross negligence committed by the Farm Crisis and Transition Program Commission, its employees, unpaid volunteers, or independent contractors hired by the Commission to work in the farm crisis program when said negligent acts are a direct result of work in the farm crisis program; to require that any information divulged by a person seeking aid under the farm crisis program, concerning finances or financial status be deemed confidential and divulging said information by the Farm Crisis Commission, its employees, its independent contractors or volunteers, to the public is a Class C misdemeanor.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 451—to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Willis, Crow, and Campbell:

H. 1014. Proposing an amendment to the Constitution of Alabama of 1901, providing for fire protection districts in Calhoun County and the financing of such districts through the levy and collection of additional property taxes in such districts.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1014—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Burke, Lindsey, Richardson, Cosby, Harvey, Ford, Marks, Hamilton, Johnson (RW), Holley, Dillard, Moon, Newman, Butler, Starkey, McClain, McDowell, Turnham, Hooper, and Logan:

H. 267. To provide that any local city or county board of education be allowed to shorten the minimum number of school days for high school seniors up to a maximum of five days because schools were closed due to a natural disaster and to provide that no school shall lose any funds and that no teachers or employees shall lose any pay due to the provisions of this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 267—to the Committee on Education

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mathis:

H. 608. To amend Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 608—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Brooks, Sanderford, and Freeman:

H. 116. To further provide for the tax liability of certain retailers who rely on legally issued state tax exempt numbers when users violate the tax

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exempt privilege; to authorize the state department of revenue to collect the tax from the user of the tax exemption number and certain others; to specifically provide that certain retailers are exempt from the tax liability.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 116—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Lindsey, Richardson, Warren, Blakeney, Hamilton, Penry, and Bryant:

H. 74. To amend §2-27-9, which provides for registration of pesticides and for appealing the action of the Commissioner in refusing to register a pesticide by increasing registration fees from \$15.00 per year to \$50.00 per year and to provide a delinquent penalty of \$50.00; to provide for registration of special local needs pesticides.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 74—to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Blakeney:

H. 57. To authorize the Department of Human Resources to establish and administer a welfare employment program; to require certain applicants for and recipients of public assistance to participate in the employment program; and to repeal Sections 38-11-1 through 38-11-12 of the Code of Alabama 1975 relating to an Alabama human resources board and public works program for certain persons on public assistance.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 57—to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. McMillan, Box, Kvalheim, Zoghby, Harper, Marietta, Gaston, Clark (W), and Penry:

H. 545. To create and establish the Alabama High School of Mathematics and Science; to provide for legislative intent; definitions; board of directors, membership, method of appointment, duties, powers, compensation and terms of office; to provide for programs and operation; to provide for extracurricular activities; to prescribe eligibility requirements and to provide for funding.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 545—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Rains, Hill, Burke, Seibels, Hooper, Moon, Carter, Johnson (RG), Turnham, Harvey, Higginbotham, Johnson (RW), Penry, Blake, Venable, Hammett, Flowers, Headley, Cosby, Beasley, Willis, Hogan, Clark (J), Logan, White (G), Marks, Laird, Bowling, Adams, Ford, Payne, Butler, Drake, Melton, Holley, Fuller, Campbell, Goodwin, Grouby, Haynes, Warren, Poole, Curry, Breedlove, Kvalheim, Gaston, Harper, Carothers, Biddle, Hamilton, Gray, Richardson, McMillan, Dillard, Slaughter, Petelos, Williams, Turner, Knight, Sanderford, Blakeney, Brooks, and Mikell:

H. 401. Proposing an amendment to the Constitution of Alabama of 1901 designating English the official language of the state of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 401—to the Committee on Rules

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Crow:

H. 117. To amend Section 32-5A-177, Code of Alabama 1975, relating to the enforcement of speed limits, to permit aerial enforcement of speed laws.

Also:

By Rep. Williams:

H. 168. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1990, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera. African swine fever and other swine diseases.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 117—to the Committee on Judiciary

H. B. 168—to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Zoghby:

H. 485. To amend Sections 5-19-7 and 5-19-18, Code of Alabama 1975, relating to consumer finance, so as to provide that the provisions shall not apply to a consumer credit transaction that is repayable in a single payment.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 485—to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 491. Relating to gas and oil; amending Section 9-17-13 of the Code of Alabama 1975, so as to provide further for the integration, pooling, cycling, repressuring, pressure maintenance or secondary recovery on gas and oil wells.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 491—to the Committee on State Development and Tourism

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Burke (With Notice and Proof):

H. 994. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Hammondville in DeKalb County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 994, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Venable (With Notice and Proof):

H. 1035. To authorize the governing body of Wetumpka to establish an Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within Wetumpka, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties and appointments to the Commission and Board; to prescribe that

certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedure for operations and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; and to provide for appeals and other judicial processes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1035, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Harvey (With Notice and Proof):

H. 1049. Relating to Blount County; amending Act No. 79-712, H. 782, 1979 Regular Session, providing for an expense allowance for members of the county board of education, so as to provide further for said expense allowance.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1049, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 994, 1035, and 1049—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Penry, McMillan, and Blakeney:

H. 159. To authorize the State Board of Health to inspect waters in which oysters are harvested and to close the oyster beds where the waters are declared unsafe for harvesting oysters for human consumption and to set a penalty for violations.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 159—to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Newman:

H. 37. To amend Section 32-5-243, Code of Alabama 1975, relating to the lighting equipment and warning devices for vehicles engaged in the U.S. mail service so as to provide further for said lighting devices.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 37—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Haynes:

H. 554. To amend Section 12-12-31, Code of Alabama 1975, which relates to small claims actions, so as to adjust the jurisdictional amount of the claims.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 554—to the Committee on Small Business

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

H. 1004. To amend Sections 32-8-2, 32-8-30, and 32-8-31, Code of Alabama 1975, relating to the Uniform Certificate of Title and Antitheft

Act to alphabetized terms being defined; to define "mobile homes" and "travel trailers"; to provide for the titling of certain mobile homes and travel trailers; and to provide for the exemption from titling certain mobile homes and travel trailers.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1004—to the Committee on Business and Labor Relations

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Lindsey (With Notice and Proof):

H. 1037. Relating to Cherokee County; approving and authorizing the Cherokee County Commission to levy a certain increase in the ad valorem tax presently being levied in accordance with Amendment No. 373 to the Constitution of Alabama of 1901; providing that such increased countywide ad valorem tax shall be levied and collected by Cherokee County for each year beginning with the levy for the tax year October 1, 1989 to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2008 to September 30, 2009 (the tax for which year will be due and payable October 1, 2009) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Cherokee County at a special election called and held in accordance with the laws governing special elections.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1037, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

H. 1038. To promote the maintenance of Cherokee County's natural beauty by eliminating unsightly and unhealthy litter; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Cherokee County Health Department to enforce littering laws in Cherokee County; and to prescribe fines for violations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1038, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blakeney (With Notice and Proof):

H. 1044. Relating to Marengo County; providing for a certain expense allowance and a certain mileage allowance for the coroner and specifically repealing Act No. 79-522, H. 397, approved July 30, 1979 (Acts 1979, p. 934), Act No. 81-71, H. 86, approved February 26, 1981 (Acts 1981, p. 94), and Act No. 85-895, H. 82, approved September 19, 1985 (Acts 1985, Second Special Session, p. 154).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1044, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Knight and Hill (With Notice and Proof):

H. 1050. Relating to Shelby County; approving an increase of the three mill countywide ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by seven mills to ten mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional seven mill tax to be levied and collected by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1989, to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2016, to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Shelby County at a special election called and held in accordance with the laws governing special elections.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1050, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1037, 1038, 1044, and 1050—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Turnham:

H. 1005. To amend Sections 40-23-2 and 40-23-61 of the Code of Alabama 1975 so as to provide for the taxation of materials and supplies used for mobile home set-up at the rate of 2%.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1005—to the Committee on Business and Labor Relations

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Fuller:

H. 569. To amend Section 32-8-87 of the Uniform Certificate of Title and Antitheft Act so as to change the standard for total loss of a motor vehicle to seventy-five percent or more of the cost of the vehicle; to clarify the status of vehicles which have received minor damage as a result of theft or vandalism; to require bills of sale for minor component parts; to require that an owner of a salvage motor vehicle provide evidence that he is a licensed Motor Vehicle Rebuilder in an application for inspection; to delete transmission or trans-axle as a major component part; to add transmission or trans-axle as a minor component part; to require that a salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall be issued a certificate of title without 'rebuilt' appearing thereon if no more than one major component part and five minor component parts were used to restore the vehicle.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 569—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Brooks:

H. 297. To propose that any person or candidate involved in certain election contests is entitled to make an examination of the ballots cast,

given, or rejected in the election and provides the procedures for examination of the ballots cast, given, or rejected.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 297—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Harper and Zoghby:

H. 616. Providing for a certain conditional appropriation from the state general fund to Senior Citizens Services, Incorporated for the 1989-90 fiscal year.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 616—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Turnham:

H. 1006. To amend the state "casual" sales and use taxes levied under Sections 40-23-101 and 40-23-102 of the Code of Alabama 1975, as last amended by Act No. 867, H. 18 of the First Special Session 1988, to include any mobile home purchased other than at wholesale, from any person, firm or corporation which is not a licensed dealer engaged in selling mobile homes; to provide for the collection of said taxes; and to provide for the effective date.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1006—to the Committee on Business and Labor Relations

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Marks:

H. 70. To amend Section 38-10-8, Code of Alabama 1975, which provides that the Department of Human Resources shall collect and disburse support payments, so as to provide that said support collections shall be deposited by the state treasurer in an interest-bearing account; to require the treasurer to credit all interest to the Public Welfare Trust Fund; and to appropriate said interest for general welfare purposes.

Also:

By Rep. Walker:

H. 605. To amend Act No. 952, H. 8, 1988 Second Special Session, which levies a state privilege tax on pari-mutuel pools, so as to provide remedial clarification regarding the intended pari-mutuel pools at the Mobile Greyhound Park subject to taxation under Act 88-952, and to provide that the amendments herein provided shall have a retroactive effect to October 30, 1988.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 70—to the Committee on Public Welfare

H. B. 605—to the Committee on State Development and Tourism

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Knight, Hill, Zoghby, Curry, and McMillan:

H. 706. To create the Catastrophic Special Education Trust Fund to be administered by the State Department of Education for the purpose of providing educational services to catastrophic cases in Special Education and

to further provide that unused portions of the funds be placed in The Castastrophic Special Education Trust Fund for future use in such cases.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 706—to the Committee on Education

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Richardson:

H. 990. To make an appropriation of \$150,000 from vehicle inspection fees collected by the Alabama Department of Revenue for operating and maintaining the state vehicle inspection program for the fiscal year ending September 30, 1989 and for the fiscal year ending September 30, 1990.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 990—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Penry, Hamilton, and Lindsey:

H. 68. Notwithstanding any other penalty, to allow the Commissioner of Agriculture and Industries to impose civil penalties or fines after a hearing thereon for violations of Chapters 27 and 28 of Title 2, Code of Alabama (1975), and any regulations promulgated thereunder; to restrict the penalty to an amount not to exceed \$10,000 to any one person, firm, association or corporation, for an incident, or incidents arising out of the same transaction with maximum guidelines for said fines and penalties to be adopted by the State Board of Agriculture and Industries; to provide for appeals or review of the Commissioner's action to be heard by the State Board of Agriculture and Industries and that judicial review of the action of the State Board of

Agriculture and Industries shall be as provided by the Alabama Administrative Procedures Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 68—to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Parker (With Notice and Proof):

H. 857. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 857, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Freeman (With Notice and Proof):

H. 921. Relating to Madison County; granting to the Madison County Commission the power by ordinance to regulate and prevent the running at large of dogs and to pass all ordinances necessary for the impounding and sale of such dogs and the destruction of such dogs.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 921, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 857 and 921—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Black:

H. 73. To amend Section 36-30-1 of the Code of Alabama 1975, relating to compensation for the death of peace officers and firemen so as to provide that the definition of peace officers shall include university police officers.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 73—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Davis and McClain (With Notice and Proof):

H. 872. Relating to Jefferson County; to provide for the compensation and other benefits for the Tax Assessor and the Tax Collector and for method of payment and funding.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 872, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Biddle (With Notice and Proof):

H. 966. This bill establishes an expense allowance for the sheriff of Jefferson County, Alabama, and provides that this act shall begin immediately and at the beginning of each term of office of said sheriff thereafter; including manner in which said allowance will be paid.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 966, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Burke (With Notice and Proof):

H. 993. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Valley Head in DeKalb County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 993, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 872 and 966—to the Committee on Local Legislation No. 2

H. B. 993—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. White (L):

H. 111. To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties or fees due thereon and any mechanical errors found in the tax return, and to further provide for the refund of overpayments due to such errors.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 111—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hill:

H. 518. Relating to the Teachers' Retirement System of Alabama, providing that any person employed in a circuit clerk's office may purchase credit for such service regardless of the manner in which such funds were paid or the source of such funds' providing for the cost of such credited service and providing for the expiration of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 518—to the Committee on State Development and Tourism

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Laird:

H. 307. To establish a condemnation law of the State of Alabama for vehicles and equipment used in maliciously setting woodland or grassland fires and to further set forth a procedure whereby vehicles and equipment used in connection with such unlawful acts be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of Section 9-13-11 (a) (1) of the Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 307—to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Starkey, Hamilton, and Goodwin (With Notice and Proof):

H. 693. Relating to the City of Florence; to provide for the establishment of a civic center; to provide for the creation of a public corporation hereinafter called "the Authority," for the purpose of establishing, maintaining and operating such civic center; to provide that the Authority shall be governed by a board of directors and that its affairs shall be managed and controlled by the board of directors; to define the powers and authority of the board of directors, including the power to construct, maintain, control, operate and manage a civic center and to borrow money and issue revenue bonds for such purpose; to prescribe the membership of the board of directors, the terms of office of the members thereof and to provide for their appointment and compensation; to prescribe the duties of the board of directors; to confer upon the Authority the power of eminent domain; to prescribe the type of buildings which may be erected as a part of such civic center and the use of such buildings; and to authorize the municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of the municipality.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 693, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

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Also:

By Reps. Hamilton and Starkey (With Notice and Proof):

H. 695. Relating to Lauderdale County; authorizing the county commission to levy an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at a certain rate; to provide for the collection and payment of such tax and to provide for the distribution of the funds derived therefrom; to authorize the Lauderdale County Commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Lauderdale County Commission for the collection of said taxes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 695, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 693 and 695—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (RG):

H. 330. To provide that any member of the Teachers' Retirement System who is employed as a teacher in the public schools of Alabama may purchase credit for such service regardless of the manner in which the member's salary was paid or the source of such funds; provided, however, that this provision shall not apply to any member who at the time of such claimed service was also a student at the institution by which he was employed.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 330—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gaston:

H. 566. To authorize and provide the procedure for employees of certain counties, cities and towns to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 566—to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 486. To amend Alabama Code Section 41-9-374 (1975) to delete the specified appropriation provisions for the Alabama Commissioners on Uniform State Laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 486—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Crow, Laird, Gray, Grouby, Petelos, Wright, Blake, Campbell, Willis, Hogan, Frazier, Johnson (RG), Mathis, Layson, Warren, Cosby,

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Breedlove, Flowers, Harvey, Burke, Headley, Marks, Carter, Davis, McDowell, McClain, Drake, Coburn, Bugg, Bowling, Newman, Moon, Goodwin, Dillard, Hill, Knight, Curry, Parker, Blakeney, Bryant, and Black:

H. 607. To amend Section 32-6-270, Code of Alabama 1975, which defines the term "fire fighter" for purposes of issuing distinctive license plates, so as to include retired fire fighters within said definition.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 607—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Fuller:

H. 698. To appropriate the sum of \$260,000 from the Alabama Special Educational Trust Fund to the Department of Postsecondary Education for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 698—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Beasley, White (L), Haynes, Butler, Johnson (RG), and Mikell:

H. 621. To amend Section 34-23-1, Code of Alabama 1975, relating to the practice of pharmacy, so as to provide further for the definition of "pharmacist."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 621—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Holley, Fuller, Box, Higginbotham, Petelos, Marks, Beasley, Haynes, Johnson (RW), Johnson (RG), Blakeney, White (L), Laird, Hammett, Campbell, Slaughter, and Breedlove:

H. 755. To amend Code of Alabama, 1975, §22-30-11, to provide for additional definitions and to prohibit commercial hazardous waste treatment or disposal facilities from accepting hazardous wastes generated in another state which prohibits the treatment, storage, or disposal of hazardous wastes within its own borders, or which refuses or fails to comply with 42 U.S.C. § 9604(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, which requires each state to adequately treat and dispose of all hazardous wastes reasonably expected to be generated within that state over the next 20 years through the establishment of a hazardous waste treatment or disposal facility within the state or through the use of a hazardous waste treatment or disposal facility located outside the state in accordance with an interstate agreement or regional agreement or authority.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 755—to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Holley, Fuller, Poole, Layson, Wright, Moon, and Knight:

H. 275. To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to create a Solid Waste Management Advisory Committee to advise on the development of said plan; to require cities and counties to develop and adopt comprehensive solid waste management plans with the assistance of the Department and the State's Regional Planning and Development Commissions; to require the Regional Planning and Development Commissions to

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develop a regional solid waste management needs assessment; to require the implementation of such plans; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities for 24 months after the effective date of this act so that such plans can be developed and implemented.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 275—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. McKee:

H. 336. Relating to the possession of weapons on public school property; to make it a Class C misdemeanor for a person to have in his possession a deadly weapon or dangerous instrument as defined in the Alabama Criminal Code while on the property of any city, county or other local public school or while being transported to or from school or a school related activity on transportation approved by the school; to fix the penalty therefor and to prescribe exemptions.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 336—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. White (L), Beasley, Haynes, Butler, Johnson (RG), and Mikell:

H. 622. To amend Section 34-23-70, Code of Alabama 1975, relating to the act of filling prescriptions, so as to allow the board of pharmacy to define the act of filling or compounding prescriptions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 622—to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Higginbotham:

H. 709. To amend Section 5-21-4, Code of Alabama 1975, which provides for a linked deposit plan for making low interest loans for qualified borrowers, so as to remove certain percentage restrictions on available investment portfolio funds used for said loans.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 709—to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Willis:

H. 521. To provide further for the issuance of distinctive license plates for handicapped persons; to amend Sections 40-12-300, 40-12-302, and 32-6-230 through 32-6-234, Code of Alabama 1975, so as to provide further for the design of the plates; to define "temporarily handicapped individuals" and to provide for parking in handicapped zones by such persons; and to provide for retroactive effect.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 521—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Moon:

H. 40. To amend Section 40-7-2.1, Code of Alabama 1975, as amended, relating to homestead exemptions based on age, income or disability, so as to allow such exemptions to continue without the required personal appearance to continue such exemption.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 40—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Butler:

H. 790. To provide for the creation of a public corporation to be known as the "Alabama Supercomputer Authority" for the purpose of acquiring, developing and administering a state-wide supercomputer and related telecommunications system for use by governmental agencies, educational institutions and private-sector businesses and industries; to provide a procedure for incorporation; to provide for the management of the public corporation by a board of directors; to confer upon the public corporation certain powers and authorities; to provide for the appointment of a chief executive officer and staff; that the Authority will retain no intellectual property rights in products, processes, etc., developed through utilization of the system; to provide for the privacy, security and confidentiality of data maintained in the system; to transfer certain assets to the Authority; to provide for the collection and use of funds by the Authority; to provide for the tax-exempt treatment of the Authority and require it to operate as a nonprofit corporation; and to provide for the dissolution of the Authority:

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 790—to the Committee on State Development and Tourism

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Layson:

H. 23. To allow local school boards in Alabama to provide a minimum ten (10) clock hour hunter safety unit of instruction, developed by the Department of Conservation and Natural Resources in conjunction with the State Department of Education, as an elective for junior and/or senior high school students.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 23—to the Committee on Education

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Butler (With Notice and Proof):

H. 911. Relating to the City of Madison in Madison County, Alabama; to authorize the City Council, by ordinance, to regulate blasting and the storage, keeping, hauling and use of explosives.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 911, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

H. 1031. Relating to Cherokee County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1031, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 911 and 1031—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Parker (With Notice and Proof):

H. 1024. Relating to Morgan County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Morgan County 2015 Commission"; to provide for the composition, officers and duties of the commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1024, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Parker (With Notice and Proof):

H. 1025. Relating to Lawrence County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Lawrence County 2015 Commission"; to provide for the composition, officers and duties of the commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1025, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1024 and 1025—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Hogan:

H. 773. To amend §32-6-291, Code of Alabama 1975, to provide guidance for the design of the distinctive motor vehicle license plate or tag

authorized to nondisability retirees of the United States Armed Forces as provided for in §32-6-290, National Guard retirees and military reservists with a minimum of 20 years; and to establish an effective date of issuance for such license plates and tags.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 773—to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Hooper:

H. 365. To provide for the exemption of certain property from any and all ad valorem taxes.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 365—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Turner and Box (With Notice and Proof):

H. 1059. Relating to Mobile County and the practice of barbering; amending Sections 8 and 14 of Act No. 678, H. 1364 of the 1961 Regular Session entitled "An Act Regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof in all counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census," (1961 Acts, p. 940), relating to renewal of licenses and fees charged

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and collected by the Board of Barber Commissioners so as to provide further for requirements for license renewals and fees to be charged and collected by the said board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1059, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1059—to the Committee on Local Legislation No. 3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Beers:

H. 257. To provide limited immunity from civil liability for persons performing building inspection services for municipalities and counties in the State of Alabama.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 257—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Ford (With Notice and Proof):

H. 856. Relating to the City of Gadsden in Etowah County; authorizing the governing body to levy an additional ad valorem tax to be used for capital outlay purposes for the school system; and providing for a referendum for approval of the tax by the qualified electors of the city; and providing for certain exemptions.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 856, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 856—to the Committee on Local Legislation No. 1

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Carothers, Beasley, and Mathis (With Amendment):

H. 273. To amend sections 22-21-260, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-270, 22-21-271, and 22-21-275, Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, so as to delete the reference to federal regulations, increase the monetary thresholds for certificate of need review and to exempt replacement of equipment from review, include inventories for some specialized services in the State Health Plan and to repeal sections 22-21-269 and 22-21-272, Code of Alabama 1975, relating to certificates of need for planning and contracts for review and recommendations concerning applications for certificates of need.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Butler, Fuller, Hooper, Burke, Biddle, Carothers, Beasley, White (L), Freeman, Johnson (RG), McClain, and McDowell:

H. 166. This bill amends the notifiable disease statute by removing the requirement for a complete physical examination prior to obtaining a marriage license; removes the requirement that all persons confined in a city or county jail be tested for contagious diseases; removes the requirement that a commitment hearing be before a jury; and removes the requirement that the state be responsible for all expenses incurred in the care and treatment of persons with contagious diseases for an unlimited length of time. Provides for the approval of laboratory test for AIDS.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following

bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 655. To further amend Section 23-2-147, Code of Alabama 1975, as amended, relating to the Alabama Toll Road, Bridge and Tunnel Authority and the form, premium yield and procedures, so as to set the rate of yield to the competitive rate at the time the bond issue is formed.

By Senators Hilliard, Horn, and Langford:

S. 696. To provide a voluntary checkoff designation of state income tax returns for the United Negro College Fund, Inc.

By Senators Hilliard, Horn, and Langford:

S. 695. To amend section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of state employees for certain charitable organizations, so as to include the United Negro College Fund, Inc., within the list of qualified charities.

By Senators Barron, Mitchem, and Manley:

S. 688. To propose an amendment to the Constitution of Alabama to authorize the state to pay a portion of the capital costs of public facilities and works of internal improvement consisting of the deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and the acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the State Docks at the Port of Mobile; to authorize the state to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$20,000,000; and to authorize the state to establish a bond commission with the powers and resources necessary to issue the bonds authorized by this amendment to be issued by the state.

The above Bill was read a second time at length as required by the Constitution.

By Senators Barron, Mitchem, and Manley:

S. 689. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$20,000,000 for the purpose of paying a portion of the capital costs of deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and the acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the State Docks at the Port of Mobile; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this act; to empower the Bond Commission to make necessary payments and agreements regarding investments to comply with Federal law regarding tax exempt bonds, and to exempt from

taxation in the State all bonds issued pursuant to this Act and the income therefrom.

By Reps. Gaston, Kvalheim, and Zoghby:

H. 152. To authorize the Alabama State Docks Department to use funds for a safety incentive program.

By Rep. Layson:

H. 734. To further amend Section 40-23-5, Code of Alabama 1975, as last amended, by Act No. 88-542, S. 204, Regular Session 1988, relating to the exemption of certain worthy organizations and vendors from the payment of state, county and municipal sales and use taxes, so as to provide for further exemptions of certain county public hospital associations and their lessees and successors organized pursuant to Section 10-3A-1, et seq., Code of Alabama 1975, as amended, nonprofit corporations; and to make the provisions retroactive.

By Reps. Harper and Bugg:

H. 144. To provide for financially assisted continuing education programs for certain teachers; to provide for financially assisted postsecondary education programs for certain residents in a course of study which will qualify said resident to teach in public elementary and secondary schools; to provide for the manner and means of paying for said financial assistance; to require the repayment of said funds by the programs' participants in certain instances; to require programs' participant to teach a certain number of years; to require certain reports to be filed with the legislature; to grant the commission power to make necessary rules and regulations and to repeal Section 16-23-17 of the Code of Alabama 1975, which created the elementary teachers' scholarship fund.

By Senator Windom:

S. 697. To amend Section 11-59-1, Code of Alabama 1975, relating to Public Athletic Baords, so as to expand the definition of "facility" to include gymnasias and other indoor athletic facilities.

By Senator Horn:

S. 676. To amend Section 32-2-25, Code of Alabama 1975, which provides for an arrest fee, so as to increase said fee and provide for its disposition.

By Senator Rice:

S. 145. Providing that certain personnel employed by the State Alcoholic Beverage Control Board shall be considered as active members of the state policeman's retirement system retroactive to their original dates of employment by such board for purposes of determining their state retirement benefits; providing that such personnel shall be eligible for such benefits to the same extent as other members under such system, and providing that the additional cost of such credited service shall be paid by the Alcoholic Beverage Control Board.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with

amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. White (L) (With Amendment):

H. 420. To further provide for deductions from the salaries of state employees for employee organizations under certain conditions.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Zoghby:

H. 614. To further amend Section 40-8-1, Code of Alabama 1975, as amended, relating to the assessment rate of ad valorem taxes and definitions therefor, so as to include certain identifiable formula for inclusion of state historical buildings, places and sites.

By Rep. White (L):

H. 110. To provide for the investment of the ad valorem taxes collected by the ad valorem tax officials of this State, to provide for the distribution of interest on such investments, to establish a fund out of a portion of the interest on said investments for the use of such officials, and to specify certain uses and restrictions on said fund.

By Reps. Starkey and Goodwin:

H. 5. To amend Section 16-25-13.1, Code of Alabama 1975, which provides for the purchase of credit for service at Athens State College and the state junior colleges, so as to authorize such purchase for certain former employees.

By Senators Preuitt and Campbell:

S. 610. To appropriate the sum of \$260,000 from the Alabama Special Educational Trust Fund to the Department of Postsecondary Education for the fiscal year ending September 30, 1989.

By Senator Bedford:

S. 639. To reopen the employees' retirement system for circuit court clerical employees to purchase retirement credit for any prior period of employment of five years or more in the office of a district attorney; and to provide for the purchase of said credit at the rate of five percent of the total salary for such period of time.

By Senator Bedford:

S. 432. Relating to ad valorem taxes paid upon video tapes owned for rental, so as to provide that such tapes shall be depreciated 50% in the first year, 20% in the second year, and 10% for the third and subsequent year(s) of ownership for rental, regardless of any rule or regulation of the revenue department to the contrary notwithstanding, effective October 1, 1989.

By Senator Windom:

S. 700. To amend Section 36-29-1, Code of Alabama 1975, which defines "employee" for state employees' health insurance purposes, so as to include employees of the USS Alabama Battleship Commission within said definition.

By Senators Cabaniss, Amari, Bennett, Parsons, Hilliard, Bishop, Horn, Bailey, and Bedsole:

S. 425. To make an appropriation from the Alabama Special Educational Trust Fund in the amount of \$400,000 to the Alabama Burn Unit for Children—Children's Hospital of Alabama for the fiscal year ending September 30, 1990.

Senator Amari, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 709. To further provide for insurance fees and taxes; to raise revenue and to that end to repeal Section 27-4-4, relating to foreign insurers, and Section 27-4-6, Code of Alabama 1975, as amended by Act No. 88-875, H. 310 of the First Special Session 1988, relating to such annual taxes on certain marine and transportations insurers; to amend further Section 27-4-5, Code of Alabama 1975, as amended, relating to domestic insurance, so as to provide a phase-in of equal rates of premium tax to be paid annually by foreign and domestic insurance companies; to provide no provision shall be construed severably; and to prescribe an effective date, retroactively.

By Senator Amari:

S. 556. To amend Sections 41-9-741, 41-9-742 and 41-9-744 of the Code of Alabama 1975, relating to the Alabama Senior Citizens Hall of Fame, so as to provide further for the membership, election of new members and meetings of such Hall of Fame.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dial:

S. 685. To allow survivors of the attack on Pearl Harbor to purchase distinctive motor vehicle license plates or tags; to prohibit the transfer of such plates; to prescribe the manner of charging for such license plates or tags; and to provide for the duties and powers of the commissioner of revenue and the probate judge or license commissioner.

By Rep. Starkey:

H. 121. To amend the following sections of Chapter 89A of Title 11 of the Code of Alabama 1975, relating to solid waste disposal authorities, for the following purposes: Section 11-89A-1, relating to legislative findings, so as to take account of the possibility of joint incorporation of such authorities by two or more counties or municipalities; Section 11-89A-2 relating to definitions, so as to provide that the term "revenues" shall include the proceeds of any special tax to which an authority may be entitled and to add the definition of "special tax"; Sections 11-89A-3, 11-89A-4 and 11-89A-5, relating to filing of application for incorporation of an authority, authorization of incorporation of an authority by a governing body of a county or a municipality or any two or more thereof, contents, execution and filing of a certificate of incorporation, and procedure for amendments

to certificates of incorporation; Section 11-89A-6, relating to the board of directors of an authority, so as to provide for election, terms of office, vacancies, qualifications, expenses and impeachment; Section 11-89A-8, relating to powers of an authority and location of facilities of an authority, so as to provide that the power of an authority to pledge for the payment of any bonds issued or assumed by the authority its revenues shall include the pledge of proceeds of any special tax to which such authority may be entitled and to provide that any facility or facilities of an authority may be located at such places, within or without the boundaries of its determining subdivisions, as it considers necessary or advisable, subject to the requirement that the governing body of any county or municipality other than a determining subdivision with respect to an authority must give its prior consent to the location in such county or municipality of any facility or facilities owned or operated by such authority in such county or municipality, and to provide that an authority shall not have the power to levy any taxes; Section 11-89A-9, relating to bonds of an authority, so as to make necessary changes in detail relating to the possibility of joint incorporation of an authority by two or more counties or municipalities; Section 11-89A-15, relating to cooperation, aid and agreements from and with other bodies, so as to provide that any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state may transfer to an authority the proceeds of any special tax which may be levied for the benefit of such authority or any facility owned or operated by such authority or the proceeds of which may have been appropriated, allocated or apportioned to such authority, or to or for the benefit of any such facility, by the Legislature or by the governing body of a county or municipality; Section 11-89A-19, relating to disposition of net earnings of an authority, so as to provide that net earnings of an authority may, in the discretion of its board of directors, be paid to one or more of its determining subdivisions; Section 11-89A-21, relating to dissolution of an authority and vesting of title to an authority's property upon such dissolution, so as to provide that upon dissolution of an authority, the title to all its property shall vest in one or more counties or municipalities in such manner and interests as may be provided in the authority's certificate of incorporation and that if such certificate of incorporation contains no provision respecting the vesting of title to the properties of the authority, title to all such property shall thereupon vest in its determining subdivisions as tenants in common; and to provide that the provisions of this act shall be severable.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Johnson (RW), White (L), and Turner:

H. 1011. To propose a constitutional amendment to validate certain prior acts and actions taken pursuant to certain laws regulating costs and charges of court; and to prohibit retroactive levy and collection of said costs and charges.

The above Bill was read a second time at length as required by the Constitution.

By Senator deGraffenried:

S. 686. To express the intent of the legislature concerning House Bill 775 of the 1989 Regular Session or Senate Bill 508 of the 1989 Regular

Session of the Alabama legislature relating to the creation of county industrial development authorities. It provides that any bonds issued pursuant to any act which either of said bills become shall be subject to the pre-issuance provisions of Sections 8-6-110 through 8-6-122 of the Code of Alabama 1975, so as to protect the integrity of the county industrial authorities.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton (With Notice and Proof) (With Amendment):

S. 698. Relating to the City of Tusculumbia in Colbert County; waiving certain city taxes on certain annexed farm land.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Drake (With Notice and Proof):

H. 858. Relating to Morgan County, providing further for expense allowances for the chairman and associate commissioners of the county commission.

By Rep. Willis (With Notice and Proof):

H. 931. Relating to Calhoun County, Alabama, to allow, in addition to the uses now otherwise allowed, the use of funds collected or obtained pursuant to the provisions of Title 11, Subtitle 3, Chapter 98, Code of Alabama 1975, by communications districts in said county, for the purchasing of road and street signs necessary for roads and streets which are renamed in order to establish E 911 service; due to the local needs of Calhoun County not having been otherwise provided for by other legislation.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Rogers (With Notice and Proof):

H. 428. Relating to Jefferson County; to amend further Section 3 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), as amended most recently by Act No. 225, S. 271, 1987 Regular Session (Acts 1987, p. 316), pertaining to Personnel Boards of certain counties classified on a population basis, so as to provide further for an expense allowance for board members and the chairman for attendance of meetings of the boards and for attendance upon trials or hearings.

By Rep. Biddle (With Notice and Proof):

H. 751. Relating to the governing body of Jefferson County, Alabama; to authorize the Jefferson County Commission to employ administrative assistants, confidential secretaries and to set their compensation; to exempt

such positions from any merit system and to provide other employment benefits.

By Rep. Curry (With Notice and Proof):

H. 767. Relating to Jefferson County; authorizing the Director of Revenue, Commissioner of Licenses or License Inspector to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

By Reps. White (G) and Wright (With Notice and Proof):

H. 822. To establish the salaries for the following officers of Jefferson County, Alabama: the president of the county commission and the four associate county commissioners; and to provide that the salaries as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

By Rep. White (G) (With Notice and Proof):

H. 824. To establish an expense allowance for the following officers of Jefferson County, Alabama: the County Commissioners; and to provide that such expense allowance as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

By Reps. Newton (D), Gray, and Spratt (With Notice and Proof):

H. 834. Relating to Jefferson County; amending Section 6 of Act No. 547, H. 1176, 1965 Regular Session, relating to the powers of the civic center authority established pursuant to said act, so as to specify in a more general and comprehensive manner the types of facilities that said authority may own, operate and manage.

By Reps. McClain and White (G) (With Notice and Proof):

H. 922. Relating to Jefferson County; to further amend Section 19 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a countywide civil service system; to provide for leaves of absence and vacation for permanent employees holding full-time positions under jurisdiction of this act at the option of the appointing authority, and to provide for related matters.

By Reps. Newton (D), Spratt, Escott, and Perdue (With Notice and Proof):

H. 875. To provide that any Class 1 municipality that owns a civic center, or any public corporation that owns a civic center located within a Class 1 municipality, shall have the power to own and operate a hotel of sufficient size and quality to accommodate persons attending conventions held at such civic center, as well as any related restaurants, meeting rooms and other facilities and services commonly provided by hotels; and to provide that any such municipality or public corporation shall be able to provide for the operation of any such hotel by entering into one or more management contracts with private companies and that any such management contract shall be exempt from the requirements of competitive bid laws.

By Reps. Gray, Davis, McClain, Newton (D), McDowell, Beers, Biddle, Spratt, Perdue, Wright, Payne, Hill, Petelos, Curry, White (G), and Rogers (With Notice and Proof):

H. 895. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Michael P. Sweatt for a pension based upon extraordinary disability and to award such pension if, in the judgement of the Board of Managers, such pension is required, and to provide for the conditions and limitations applying to such pension, and to set an effective date.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Black:

H. J. R. 287. MOURNING THE DEATH OF MR. ELI CAMPBELL OF CHOCTAW COUNTY, ALABAMA.

Also:

By Reps. Turner, Gaston, Zoghby, Kvalheim, Harper, Kennedy, Buskey (JE), and Clark (W):

H. J. R. 288. CONGRATULATING ALABAMA'S 1989 JUNIOR MISS, KIMBERLY MARIE WIMMER OF MOBILE.

Also:

By Rep. Cosby:

H. J. R. 293. COMMENDING ANGELINE WHEAT OF SELMA, ALABAMA, FOR DEDICATED AND HONORABLE SERVICE TO THE STATE OF ALABAMA.

Also:

By Rep. Butler:

H. J. R. 294. COMMENDING JIM AGNEW FOR DISTINGUISHED SERVICE TO THE HUNTSVILLE-MADISON COUNTY COMMUNITY AND DESIGNATING HIM AS "MR. AMBULANCE."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 287, 288, 293, and 294, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Zoghby, Kvalheim, Box, and Gaston:

H. J. R. 299. CONGRATULATING GORDON G. SMITH, III, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

By Reps. Zoghby, Kvalheim, Box, Harper, and Gaston:

H. J. R. 300. CONGRATULATING LUIS M. WILLIAMS, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

By Reps. Gaston, Zoghby, Kvalheim, McMillan, and Turner:

H. J. R. 301. COMMENDING MR. THOMAS S. DAMSON OF MOBILE, ALABAMA.

Also:

By Reps. Kennedy, Buskey (JE), Clark (W), and Zoghby:

H. J. R. 302. COMMENDING THE WILLIAMSON HIGH SCHOOL GIRLS BASKETBALL TEAM AS OUR 1989 STATE 5A GIRLS CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 299, 300, 301, and 302, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Zoghby, Kvalheim, Box, and Gaston:

H. J. R. 295. CONGRATULATING JOHN P. MACNAMARA, III, PH.D., MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

By Reps. Zoghby, Kvalheim, Box, and Gaston:

H. J. R. 296. CONGRATULATING JOHN N. HECKER, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

By Reps. Zoghby, Kvalheim, Box, and Gaston:

H. J. R. 297. CONGRATULATING J. BRADLEY DONAGHEY, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

By Reps. Zoghby, Kvalheim, Box, and Gaston:

H. J. R. 298. CONGRATULATING ROBERT B. BARNETT, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 295, 296, 297, and 298, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Zoghby and Clark (J):

H. J. R. 436. RECOGNIZING WITH COMMENDATION THE 10th ANNIVERSARY OF THE NATIONAL ODOM ASSEMBLY:

Also:

By Rep. Zoghby:

H. J. R. 437. CONGRATULATING MICHELE KILCULLEN COODY, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

By Rep. McKee:

H. J. R. 438. MOURNING THE DEATH OF WILLIAM RAYNES JONES OF MONTGOMERY, ALABAMA.

Also:

By Rep. Mikell:

H. J. R. 439. COMMENDING AUTHOR GENE WESTBROOK AND DESIGNATING "THE MAGNOLIA COLLECTION" AS AN OFFICIAL 1989 ALABAMA REUNION COOKBOOK.

Also:

By Rep. Rains:

H. J. R. 440. MOURNING THE DEATH OF CLARENCE COLEMAN HARRIS OF ALBERTVILLE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 436, 437, 438, 439, and 440, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Williams:

H. J. R. 384. CONGRATULATING SUE FARNSWORTH, OZARK, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

By Rep. Moon:

H. J. R. 385. COMMENDING LILLIS IRWIN FOR DISTINGUISHED SERVICE TO THE ALABAMA PUBLIC SCHOOLS.

Also:

By Reps. Kennedy, Buskey (JE), Clark (W), and Zoghby:

H. J. R. 386. MOURNING THE DEATH OF EUGENE BURNIE COOKE OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 384, 385, and 386, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Harper, Zoghby, Turner, Gaston, Kvalheim, Buskey (JE), Box, Clark (W), Marietta, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford,

Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, and Wright:

H. J. R. 344. MOURNING THE DEATH OF GLADYS MOUTON COOPER OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 344, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Butler, Freeman, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 470. COMMENDING THE FORMATION OF THE HELEN KELLER EYE RESEARCH FOUNDATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 470, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Ford and Colvin:

H. J. R. 362. COMMENDING PENNY MINCE OF GADSDEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 362, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Butler, Freeman, Grayson, Sanderford, Hall, and Brooks:

H. J. R. 331. COMMENDING BENJAMIN B. GRAVES FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

Also:

By Rep. Hooper:

H. J. R. 332. HONORING MONTGOMERY'S WOMEN OF ACHIEVEMENT.

Also:

By Rep. Breedlove:

H. J. R. 334. COMMENDING CLARKE COUNTY HIGH SCHOOL, OUR STATE 4A BASKETBALL CHAMPIONS.

Also:

By Rep. Bugg:

H. J. R. 335. COMMENDING MRS. ANNE FORD CASE OF JACKSONVILLE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 331, 332, 334, and 335, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Marietta, Gaston, Zoghby, Box, and Harper:

H. J. R. 350. COMMENDING GEORGE E. DIXON FOR OUTSTANDING SERVICE TO LOCAL UNION 505, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 350, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Holley and Zoghby:

H. J. R. 327. CONGRATULATING JUNE SMITH, ENTERPRISE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 327, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Blake:

H. J. R. 328. COMMENDING ANNIE MAE SULLIVAN NOLIN OF COOK SPRINGS, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 328, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Bugg:

H. J. R. 336. COMMENDING EMILY PUTNAM OF AUBURN, ALABAMA, "FOCUS ON ANIMALS" VIDEO CO-PRODUCER AND DEVELOPER.

Also:

By Rep. Rogers:

H. J. R. 337. COMMENDING DAVID BISHOP, OUTSTANDING DISABLED VOLUNTEER.

Also:

By Reps. Campbell and Kennedy:

H. J. R. 340. RECOGNIZING, WITH COMMENDATION, JUNE 2, 1989, AS "LETTER CARRIER DAY" IN ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 336, 337, and 340, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Escott and Kennedy:

H. J. R. 314. COMMENDING EUNICE HORTON ON HER NOMINATION AS A CANDIDATE FOR NEA UNISERVE DIRECTOR, AND FOR DEDICATION AND SERVICE IN THE FIELD OF EDUCATION.

Also:

By Reps. Escott and Kennedy:

H. J. R. 315. COMMENDING BRENDA DeRAMUS-COLEMAN ON HER NOMINATION AS CANDIDATE FOR NEA UNISERVE DIRECTOR, AND FOR DEDICATION AND SERVICE IN THE FIELD OF EDUCATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 314 and 315, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Rains:

H. J. R. 307. COMMENDING THE GERALDINE HOMEMAKER CLUB FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

By Reps. Turner, Zoghby, Gaston, Kvalheim, Clark (W), Kennedy, and Buskey (JE):

H. J. R. 311. DECLARING "CAMP SMILE WEEK", JUNE 26-30, 1989.

Also:

By Rep. Escott:

H. J. R. 313. COMMENDING JUANITA J. VANN ON HER NOMINATION AS A CANDIDATE FOR NEA UNISERVE DIRECTOR, AND FOR DEDICATION AND SERVICE IN THE FIELD OF EDUCATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 307, 311, and 313, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

RESOLUTION

Senator Manley offered the following Senate Joint Resolution, to-wit:

S. J. R. 194. RECOGNIZING WITH COMMENDATION THE FIRST 85 YEARS OF SERVICE OF THE MONROE COUNTY BANK.

WHEREAS, organized February 11, 1904, by John B. Barnett, a prominent Monroeville attorney, the Monroe County Bank opened for business on February 19, 1904, and, in continuing progress over the past 85 years, has well served the financial needs of the area's citizens, as well as the farming and business communities; and

WHEREAS, Mr. Barnett, who served as president of the bank until January 1952, just shortly before his death, was succeeded in leadership by his son, John B. Barnett, Jr., who has been associated with the bank almost continuously since 1933; and

WHEREAS, thus, throughout its 85-year history, The Monroe County Bank has enjoyed the astute direction and guidance of a member of the Barnett family and now, as in the past, continues to occupy a place of prominence among the States' most secure and stable financial institutions; and

WHEREAS, first located in the county courthouse, the bank moved in 1909 to a site on the southwest corner of the downtown square, and moved to its present location, just one block south of the square, in 1972; and

WHEREAS, through consolidation and/or merger with the Bank of Monroeville in 1922 and the First National Bank of Monroeville in 1986, The Monroe County Bank has experienced phenomenal growth, with assets increasing from some \$586 thousand in 1936, after recovery from the depression, to current assets in excess of \$64 million; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize February

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19, 1989, as a significant milestone in the history of The Monroe County Bank, denoting commendable contributions through continuing service by its officers and staffs for the past 85 years, and direct that a copy of this resolution be presented to Mr. John B. Barnett, Jr., chairman of the board of The Monroe County Bank.

On motion of Senator Manley, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Newman, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 306. COMMENDING BOBBY M. JUNKINS OF GADSDEN, ALABAMA, FOR OUTSTANDING SERVICE AND ACCOMPLISHMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 306, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hogan, Crow, Willis, and Frazier:

H. J. R. 304. COMMENDING THE ALABAMA ASSOCIATION OF RESCUE SQUADS AND THE ASSOCIATION'S MEMBER UNITS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 304, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Grayson, Butler, Hall, Sanderford, Brooks, Buskey (JE), and Freeman:

H. J. R. 355. COMMENDING WILLIE MAE BUTLER OF HUNTSVILLE, ALABAMA, ON HER OUTSTANDING ACHIEVEMENTS.

Also:

By Rep. Payne:

H. J. R. 357. CONGRATULATING THE ERWIN HIGH SCHOOL FOOTBALL TEAM AS THE AREA 10 CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 355 and 357, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. McMillan and Penry:

H. J. R. 389. COMMENDING TREY DICKSON OF BAY MINETTE, ALABAMA.

Also:

By Reps. McMillan and Penry:

H. J. R. 390. COMMENDING ETCHRIDGE MEANS OF BAY MINETTE, ALABAMA.

Also:

By Reps. McMillan and Penry:

H. J. R. 391. COMMENDING TONI JAMES OF BAY MINETTE, ALABAMA.

Also:

By Reps. McMillan and Penry:

H. J. R. 392. COMMENDING ROBERT SCOTT LEWIS OF BAY MINETTE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 389, 390, 391, and 392, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. McMillan and Penry:

H. J. R. 393. COMMENDING DONNA MURPH OF BAY MINETTE, ALABAMA.

Also:

By Reps. McMillan and Penry:

H. J. R. 394. COMMENDING HOLMES HENDRICKSON OF BAY MINETTE, ALABAMA.

Also:

By Reps. McMillan and Penry:

H. J. R. 395. COMMENDING AMY JOHNS OF BAY MINETTE, ALABAMA.

Also:

By Reps. McMillan and Penry:

H. J. R. 396. COMMENDING APRIL HARVILL OF BAY MINETTE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 393, 394, 395, and 396, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Payne:

H. J. R. 398. CONGRATULATING THE ERWIN HIGH SCHOOL BASKETBALL TEAM ON THEIR ACCOMPLISHMENT OF THE 1988-89 SEASON.

Also:

By Reps. Burke, Butler, Lindsey, and Rains:

H. J. R. 402. COMMENDING "ALABAMA."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 398 and 402, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Laird:

H. J. R. 409. COMMENDING BOBBY D. JONES OF LAFAYETTE, ALABAMA, ON HIS RECENT HONOR AS CITIZEN OF THE YEAR.

Also:

By Rep. Harvey:

H. J. R. 410. NAMING THE AUDITORIUM AT J. B. PENNINGTON HIGH SCHOOL IN BLOUNTSVILLE, ALABAMA, IN HONOR OF RUFUS BIRL BRYSON.

Also:

By Reps. Mathis, Beasley, and Carothers:

H. J. R. 413. MOURNING THE DEATHS OF WALTER OTIS MENDHEIM AND HETTIE M. AMAN, HOUSTON COUNTY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 409, 410, and 413, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Ford and Colvin:

H. J. R. 414. COMMENDING COMMISSIONER OF LABOR ROBIN REA AND ASSISTANT COMMISSIONER OF LABOR MIKE MORGAN OF MONTGOMERY, ALABAMA.

Also:

By Rep. Colvin:

H. J. R. 416. COMMENDING DAVID BRYANT SMITH OF GADSDEN, ALABAMA.

Also:

By Rep. Breedlove:

H. J. R. 417. COMMENDING SHANE DICKERSON OF FRUITDALE HIGH SCHOOL, DISTRICT V TEACHER OF THE YEAR.

Also:

By Rep. Beers:

H. J. R. 418. COMMENDING THE PIZITZ MIDDLE SCHOOL BAND IN VESTAVIA HILLS, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 414, 416, 417, and 418, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Burke, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker,

Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 425. CONGRATULATING REPRESENTATIVE AND MRS. RICHARD LINDSEY ON THE BIRTH OF A DAUGHTER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 425, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Payne:

H. J. R. 431. MOURNING THE DEATH OF SONYA DeANN HALL-MARK OF PINSON, ALABAMA.

Also:

By Rep. Payne:

H. J. R. 432. MOURNING THE UNTIMELY DEATH OF NATHAN WAYNE VERNON OF CENTER POINT, ALABAMA.

Also:

By Rep. Payne:

H. J. R. 433. MOURNING THE DEATH OF DAVID ERIC WREN OF CENTER POINT, ALABAMA.

Also:

By Rep. Payne:

H. J. R. 434. COMMENDING BRYAN PATRICK THARP OF CHALKVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 431, 432, 433, and 434, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Bugg:

H. J. R. 426. MOURNING THE DEATH OF LESLEY ANN KAYLOR OF ATTALLA, ALABAMA.

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Also:

By Rep. Bugg:

H. J. R. 427. RECOGNIZING WITH COMMENDATION THE 100TH ANNIVERSARY OF THE GADSDEN CITY SCHOOLS.

Also:

By Reps. Buskey (JL), Holmes, Walker, McKee, and Hooper:

H. J. R. 428. COMMENDING THE MONTGOMERY COUNTY EDUCATION ASSOCIATION.

Also:

By Rep. Bryant:

H. J. R. 429. COMMENDING THE FRANCIS MARION HIGH SCHOOL RAMS ON THE 1988-1989 STATE CLASS 2A BASKETBALL CHAMPIONSHIP.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 426, 427, 428, and 429, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Perdue:

H. J. R. 453. COMMENDING DAMON DIXON FOR OUTSTANDING ATHLETIC AND ACADEMIC ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 453, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Turnham:

H. J. R. 460. CONGRATULATING W. HAROLD GRANT, PH.D., AUBURN, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

By Rep. Bugg:

H. J. R. 462. COMMENDING COMMISSIONER OF LABOR ROBIN REA AND ASSISTANT COMMISSIONER OF LABOR MIKE MORGAN OF MONTGOMERY, ALABAMA.

Also:

By Rep. Rogers:

H. J. R. 463. MOURNING THE DEATH OF DR. HERMAN STONE OF BIRMINGHAM, ALABAMA.

Also:

By Reps. Clark (W), Buskey (JE), and Kennedy:

H. J. R. 466. CONGRATULATING MRS. MINNIE TURNBO OF WHISTLER, ALABAMA, ON THE OCCASION OF HER 108TH BIRTHDAY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 460, 462, 463, and 466, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Kvalheim, Box, Gaston, Zoghby, Buskey (JE), Hooper, Marietta, Turner, McMillan, and Penry:

H. J. R. 457. COMMENDING COACH RONNIE ARROW FOR OUTSTANDING ACCOMPLISHMENTS AS HEAD COACH OF THE UNIVERSITY OF SOUTH ALABAMA BASKETBALL TEAM.

Also:

By Reps. Kvalheim, Box, Gaston, Zoghby, Buskey (JE), Hooper, Marietta, Turner, McMillan, and Penry:

H. J. R. 458. COMMENDING THE UNIVERSITY OF SOUTH ALABAMA JAGUAR BASKETBALL TEAM FOR THEIR OUTSTANDING SEASON.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, H. J. R.'s 457 and 458, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 195. COMMENDING FRED PEPPER FOR DISTINGUISHED SERVICE TO LIMESTONE COUNTY.

Also:

S. R. 196. COMMENDING DOUG MAUND FOR DISTINGUISHED SERVICE TO LIMESTONE COUNTY.

Also:

S. R. 197. COMMENDING DR. STANLEY HALL FOR DISTINGUISHED SERVICE TO LIMESTONE COUNTY.

Which were filed.

Senator Bedford offered the following Senate Resolution, to-wit:

S. R. 198. COMMENDING COLONEL HAROLD S. WHITLOCK UPON RETIREMENT FROM THE UNIVERSITY OF NORTH ALABAMA.

Which was filed.

Senator Hilliard offered the following Senate Resolution, to-wit:

S. R. 199. COMMENDING DAMON DIXON FOR OUTSTANDING ATHLETIC AND ACADEMIC ACHIEVEMENT.

Which was filed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 176. COMMENDING PAUL S. TIPTON, S. J., FOR DISTINGUISHED SERVICE AS PRESIDENT OF SPRING HILL COLLEGE, MOBILE, ALABAMA.

Also:

S. J. R. 177. CONGRATULATING MARGARET ELMORE, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

S. J. R. 185. COMMENDING DR. GARY L. BRANCH, PRESIDENT OF FAULKNER STATE JUNIOR COLLEGE IN BAY MINETTE, ALABAMA.

Also:

S. J. R. 187. COMMENDING THE LOACHAPOKA HIGH SCHOOL INDIANS ON THEIR OUTSTANDING 1988-1989 BASKETBALL SEASON.

Also:

S. J. R. 188. NAMING THE HUMAN RESOURCE CENTER AT SEARCY HOSPITAL IN MOUNT VERNON, ALABAMA, THE "DR. E. L. MCCAFFERTY, SR., HUMAN RESOURCE CENTER."

Also:

S. J. R. 191. COMMENDING OUR COLLEAGUE LESTER WHITE OF DADEVILLE, RECIPIENT OF THE OUTSTANDING LEGISLATOR AWARD.

JOHN W. PEMBERTON,
Clerk.

RECESS

At 1:45 P.M., on motion of Senator deGraffenried the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 1:50 P.M., the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

STATEMENT FILED

Senator Cabaniss offered the following Statement, to-wit:

Pursuant to provisions of Section 3, of Rule 14 the H. B. 338 is hereby placed on the Regular Order Calendar.

Which was filed.

RESOLUTION

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 200. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH Houses thereof concurring, that when the two Houses of the Legislature adjourn today, Thursday, April 27, they adjourn to meet again on Monday May 1; and when they adjourn on May 1, they adjourn to meet again on Tuesday, May 2; and when they adjourn on May 2, they adjourn to meet again on Wednesday, May 3; and when they adjourn on Wednesday, May 3, they adjourn to meet again on Thursday May 4; and when they adjourn on May 4, they adjourn to meet again on Thursday, May 11, and when they adjourn that day, they adjourn sine die.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Monday, May 1, 1989, at 4 o'clock P.M., which motion was adopted.

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Senator Dial requested and received permission to suspend the Rules in order to bring up the following Bill:

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., S. B. 538, adopted.

Yeas 16; Nays 2.

Yeas:

Senators:	Campbell	Goodwin	Preuitt	
Bailey	Denton	Langford	Smith (B)	
Barron	Dial	Manley	Smith (J)	
Bedsole	Foshee	Mitchem	Windom	
Bennett				—16

Nays:

Senators:	Bedford	Corbett	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 538. To amend Sections 11-89-1, 11-89-3, 11-89-4, 11-89-5, 11-89-6, 11-89-7, 11-89-13, 11-89-17, and 11-89-18, of the Code of Alabama 1975 pertaining to water, sewer and fire protection districts so as to provide for the creation of districts as public corporations under Chapter 89 of Title 11 of the 1975 Code which would act as providers at wholesale of water or sanitary sewer service to municipalities, counties or other public corporations in the state or to particular customers of such municipalities, counties or public corporations at their written request, by providing for the incorporation of such supply districts, the amendment of their certificates of incorporation, election of their directors, and their powers, to empower any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state to contract with such supply districts, including "take-or-pay" contracts, to authorize provisions for the dissolution of the district, to provide that the existence of a district shall not prevent the incorporation of another, to reduce the required number of directors of any district under the said Chapter 89 from five to three, and to reinsert provisions of Section 11-89-6 of the Code of Alabama 1975 which were deleted therefrom by mistake in 1986, and to make conforming changes in the aforesaid Sections to effectuate all of the foregoing.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Mitchem	
Bailey	Campbell	Goodwin	Preuitt	
Barron	Corbett	Hale	Smith (B)	
Bedford	Denton	Hand	Smith (J)	
Bedsole	Dial	Langford	Windom	
Bennett				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., S. B. 595, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Bennett	Drinkard	Hale	
Amari	Cabaniss	Ellis	Hand	
Barron	Campbell	Foshee	Langford	
Bedford	Denton	Goodwin	Preutt	
Bedsole	Dial			—17

<i>Nay:</i> Senator Corbett	—1
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BILLS ON THIRD READING RESUMED**THE BILL:**

S. 595. To amend Section 12-17-140 of the Code of Alabama 1975, relating to qualifications for supernumerary status for circuit clerks and registers, so as to provide additional qualifications for supernumerary circuit register status.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Horn	
Amari	Campbell	Figures	Langford	
Barron	Corbett	Foshee	Mitchem	
Bedford	deGraffenried	Goodwin	Preutt	
Bedsole	Denton	Hale	Smith (B)	
Bennett	Dial	Holmes		—22

<i>Nays:</i>	—0
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MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 805. To create a fund in the state treasury to be known as the Governor's Contingency Fund; to define the purposes for which said fund may be used and the manner of making withdrawals therefrom; to provide for the appropriation thereto; and to provide the effective date of this act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 267. To authorize the governing body of any municipality, or any municipality or municipalities to establish historic preservation commissions

and architectural review boards in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage in the state, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to such commissions and boards; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing bodies; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that each commission shall constitute a non-profit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; to provide for appeals and other judicial processes; to preserve certain existing historic development commissions or architectural review boards; to authorize these to be certified with local government status or to assume the powers of this act pursuant to proper ordinance; to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges, including the properties utilized in connection therewith, and to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges; and to provide that the provisions of this act are cumulative.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Senator Langford offered the following Senate Joint Resolution, to-wit:

S. J. R. 201. CONGRATULATING CALVIN P. KEITH, MONTGOMERY, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, Calvin P. Keith, a resident of Montgomery, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Calvin P. Keith, is an active member of Saint Jude Parish, Montgomery, Alabama, and he has served in many positions in organizations and boards of his Church, and his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir Calvin P. Keith of Montgomery, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir Calvin P. Keith, Montgomery, Alabama, by the Secretary of the Senate, so that he and his family may know of our high esteem and deep appreciation.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 202. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-fourth legislative day of the 1989 Regular Session only:

<u>Inst Id</u>	<u>Page</u>
S. 108	45
Health insurance for alcoholism and drug dependency rehab., min. benefits estab., Secs. 27-20A-1 through 27-20A-4 repealed	
S. 500	78
Regional planning and development commissions, approp. for revolving loan funds, legis. oversight committee estab.	
S. 150	19
Sales tax information, exchange with other sts., fed. gov't. provided, Sec. 40-23-29 am'd.	
S. 359	39
Oil and gas, pooling of oil and gas wells provided further, Sec. 9-17-13 am'd.	
S. 421	67
Fortified wine and vinous liquor licensees not req. to comply with cert. labelling provisions of Code of Alabama, manufacturer, wholesaler and importer licensees exempt	
H. 35	82
Fiduciary accts., transfer from one bank trust dept. to another auth.	
H. 349	83
Consumer Finance laws, confirm said law does not apply to transactions that are not consumer loans, Sec. 5-19-31 am'd.	
H. 118	57
Joint Highway Committee, powers and authority re highway dept., highway dept. long-range planning and utilization of fed. and st. funds, Secs. 29-2-4, 29-2-6 am'd.	
S. 317	38
Criminal trespass by motor vehicles, crime of estab., prohib. driving through or parking in private parking areas, exceptions, penalties	
H. 88	32
Agriculture and Industries Dept., approp. for boll weevil eradication	

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S. 303	74
Insurance Dept., commissioner to be elected position, comp., rate-making procedure and processes alt., hearing, appeal, Secs. 27-13-71, 27-13-72, and 27-13-20 rep., and Secs. 27-2-2, 27-2-4, 27-13-66, 27-13-68, 27-13-81, 27-13-83, and 27-13-26 amd	
S. 682	131
Alabama Super Computer Authority created, nonprofit corp. auth., tax exempt	
S. 399	86
State retirement systems, re-open for cert. persons age 61 or older, Secs. 16-25-3 and 36-27-4 am'd.	
H. 338	
Insurance, mutual aid associations auth. for domestic life and disability insurers	
S. 364	32
Motor vehicles, mandatory safety belts, exceptions, penalties	
S. 465	47
Alabama State Parking Deck Authority, estab., auth. to issue bonds	
S. 440	98
Long-term Residential Health Care Recipient Ombudsman Act am'd, Secs. 22-5A-2 through 22-5A-7 am'd.	
S. 219	15
Housing Finance Authority, powers and limitations on bonds, Secs. 24-1A-5, 24-1A-9 am'd.	
S. 677	132
Bureau of Vital Statistics, required to send death reports to bd. of registrars to purge voting lists, Sec. 17-4-131 am'd.	
S. 579	129
Industrial parks, cos. and muns. auth. to estab. corps. to develop, bonds auth.	
S. 107	18
State employees of dept. of ed. subj. to merit system, auth. to transfer cert. sick leave earned through local school system	
H. 80	63
Public officers, vacation of office upon conviction, not sentencing	
H. 264	116
Waste collections and disposal programs, authority of local governing bodies, Secs. 22-27-3, 22-27-6 and 22-27-7 am'd.	

H. 450	130
Credit unions, can be made to cease and desist cert. activities, interest and charges, criminal penalties, Secs. 5-17-8, 5-17-18 am'd.	
S. 194	66
Attorney general, investigators engaged in investigations related to controlled substances shall have powers of peace officers	
H. 425	119
State policemen, retired through st. retirement system, auth. to be employed in co. or municipal agencies which have retirement systems through st. system	
S. 636	138
Barbers and cosmetology, licensing bd. created, Title 34, chapters 5 and 7 repealed	
S. 391	55
Holidays, removing designated, observing Nat'l Memorial Day, Mobile and Baldwin Cos. observing Mardi Gras, Sec. 1-3-8 am'd.	
H. 142	118
Dieticians and nutritionists, practice reg., licensing, bd. established	
S. 357	58
Teachers' retirement sys., re-open for cert. cir. clerks	
S. 8	10
Trucks, motor vehicles, length of on roads further reg., Sec. 32-9-20 am'd.	
S. 322	46
Insurance, mandates conversion rights for cert. persons under group health policy upon death of insured person	
S. 602	102
Boards of trustees, incl. in requirements for competitive bidding of public contracts, Sec. 41-16-50 am'd.	
S. 415	61
District court, small claims actions, jurisd. amt. alt., Sec. 12-12-31 am'd.	
S. 497	68
Drivers' licenses, immediate suspension by Public Safety Dept. for D.U.I. or refusal to take breath test	
S. 337	99
Adult Protection Services, to include aged and infirmed; criminal penalties, Secs. 38-9-2 and 38-9-7 am'd.	

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S. 582 84

Hospitals, nursing homes, licensing, Secs. 22-21-20 and 22-21-27 am'd.

S. 302 48

Farm Crisis and Transition Program, employees immune from cert. civil liab., infor. deemed confidential, penalties

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

Senator Langford offered the following Senate Joint Resolution, to-wit:

S. J. R. 203. CONGRATULATING THE HONORABLE WILLIAM A. BOWEN, MONTGOMERY, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, The Honorable William M. Bowen, Judge on the Alabama Court of Criminal Appeals and prominent resident of Montgomery, Alabama, recently was recognized, for meritorious work, his family life and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Judge William M. Bowen, a graduate of St. Bernard College, Samford University and Cumberland School of Law, is a dedicated active member of Saint Bede Catholic Church, Montgomery, Alabama; he has served in many positions in organizations and boards of his Church, and in civic and charitable organizations; he was the Archdiocesan Lay Director of the Cursillo Movement of the Mobile Archdiocese, is a member of many professional organizations where he works for the improvement of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir William M. Bowen, of Montgomery, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication in both the Church and in his community.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir William M. Bowen, Montgomery, Alabama, by the Secretary of the Senate, so that he and his family may know of our high esteem and deep appreciation.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 204. COMMENDING THE UNIVERSITY OF ALABAMA IN HUNTSVILLE AS THE SPONSOR OF AMERICA'S FIRST LICENSED COMMERCIAL SPACE FLIGHT.

WHEREAS, on March 29, 1989, at 8:40 a.m. (MST) a rocket was launched into space from the White Sands (NM) Missile Range; and

WHEREAS, the launch was sponsored by the University of Alabama in Huntsville and was licensed by the United States Department of Transportation Office of Commercial Space Transportation; and

WHEREAS, the launch represented a major milestone as the first licensed commercial space flight in history, and opened the door to the world of commercial space exploration and development; and

WHEREAS, the Consort 1 payload consisted of scientific experiments designed by the UAH Consortium for Materials Development in space and these experiments provided valuable data applicable to the manufacture of medicines, metal alloys and ball bearings, and construction of future space stations; and

WHEREAS, the highly successful fifteen-minute voyage demonstrated that private industry is fully capable of launching payloads into space safely and reliably, and marked the first step forward in commercial space exploration and experimentation; and

WHEREAS, from the very beginning, the Huntsville area has played a leading role in the United States space program, including the design and production of the massive rocket motors that carried American astronauts to the moon; and

WHEREAS, it is therefore fitting that the Huntsville area and in particular the University of Alabama in Huntsville has taken the lead in pioneering America's first commercial venture into space, an historical event that paves the way for the expanding role of commercial ventures in the Nation's space program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the University of Alabama in Huntsville as the sponsor of America's first licensed commercial space flight and direct that a copy of this resolution be sent to the school as evidence of our high esteem.

On motion of Senator Smith (J), the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 939. Relating to Lee County; to create the Lee County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Lee County; to grant the commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; and to provide exceptions for such zoning regulations and for appeals from the decisions of the commission.

was taken up.

On motion of Senator Corbett, further consideration of the Bill, H. B. 939, was postponed subject to the call of the Chair.

THE BILL:

H. 965. Relating to Lee County; providing that the Lee County Commission shall be authorized to levy sales and use taxes outside the corporate limits of the Cities of Auburn and Opelika generally paralleling the state

sales and use taxes but limited in amount as set out herein, with the same exemptions and exclusions; providing for the collection of such tax by the State Department of Revenue; providing for the distribution and use of the proceeds; and repealing Act No. 88-400, H. 886, 1988 Regular Session.

was taken up.

On motion of Senator Corbett, further consideration of the Bill, H. B. 965, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 692, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Manley
Amari	Corbett	Hale	Parsons
Bailey	deGraffenried	Hilliard	Rice
Barron	Denton	Holmes	Sanders
Bedford	Dial	Horn	Smith (B)
Bennett	Figures	Langford	Smith (J)
Bishop	Foshee		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 692. Relating to Macon County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Manley
Amari	Corbett	Hale	Parsons
Bailey	deGraffenried	Hilliard	Rice
Barron	Denton	Holmes	Sanders
Bedford	Dial	Horn	Smith (B)
Bennett	Figures	Langford	Smith (J)
Bishop	Foshee		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 102, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Amari	deGraffenried	Hale	Parsons
Barron	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Sanders
Bennett	Drinkard	Horn	Smith (B)
Bishop	Ellis	Langford	Windom
Cabaniss	Figures		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 102. Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Amari	deGraffenried	Hale	Parsons
Barron	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Sanders
Bennett	Drinkard	Horn	Smith (B)
Bishop	Ellis	Langford	Windom
Cabaniss	Figures		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., H. B. 1012, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchem
Amari	Campbell	Hale	Parsons
Bailey	Covington	Hilliard	Rice
Barron	deGraffenried	Holmes	Smith (B)
Bedford	Denton	Horn	Smith (J)
Bedsole	Dial	Manley	Windom
Bishop	Ellis		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1012. Relating to Shelby County; authorizing the county commission to provide an increase in county salary supplement for each circuit judge

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and district attorney within the eighteenth judicial circuit and each Shelby County district judge.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchem
Amari	Campbell	Hale	Parsons
Bailey	Covington	Hilliard	Rice
Barron	deGraffenried	Holmes	Smith (B)
Bedford	Denton	Horn	Smith (J)
Bedsole	Dial	Manley	Windom
Bishop	Ellis		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., S. B. 691, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Amari	Covington	Goodwin	Mitchem
Bailey	Denton	Hand	Parsons
Bedford	Dial	Hilliard	Rice
Bennett	Drinkard	Holmes	Smith (B)
Bishop	Ellis	Horn	Windom
Cabaniss	Figures		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 691. Relating to Fayette County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Fayette County; and providing for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Amari	Covington	Goodwin	Mitchem
Bailey	Denton	Hand	Parsons
Bedford	Dial	Hilliard	Rice
Bennett	Drinkard	Holmes	Smith (B)
Bishop	Ellis	Horn	Windom
Cabaniss	Figures		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., H. B. 611, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Amari	Corbett	Goodwin	Preuitt	
Bailey	deGraffenried	Hale	Rice	
Bedford	Denton	Hilliard	Sanders	
Bedsole	Drinkard	Holmes	Smith (J)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Figures			—25

<i>Nays:</i>				—0
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BILLS ON THIRD READING RESUMED**THE BILL:**

H. 611. Relating to Montgomery County; pertaining to the Retirement System for Employees of Montgomery County; to amend Section 7 of Act No. 356 of the Legislature of Alabama of 1973 to increase the maximum retirement allowance credit from 30 to 40 years of creditable service; to amend Section 1 of Act No. 618 of the Legislature of Alabama of 1977 to equalize the reemployment repayment provisions for the restoration of creditable service credit; to amend Section 1 of Act No. 724 of the Legislature of Alabama of 1981 to increase the maximum annual service retirement allowance from 12 times sixty per centum to 12 times eighty per centum of the members' average monthly compensation, to reduce the creditable service required for vesting from 15 to 10 years and to remove special retirement restrictions for members who have attained the age of 70.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Amari	Corbett	Goodwin	Preuitt	
Bailey	deGraffenried	Hale	Rice	
Bedford	Denton	Hilliard	Sanders	
Bedsole	Drinkard	Holmes	Smith (J)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Figures			—25

<i>Nays:</i>				—0
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BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., H. B. 919, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Parsons	
Bailey	Covington	Hale	Preuitt	
Barron	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dial	Langford	Smith (J)	
Cabaniss	Drinkard	Mitchem	Windom	
Campbell	Ellis			—25
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 919. Relating to Montgomery County; amending Section 1 of Act No. 87-748, H. 1051 of the 1987 Alabama Legislature (Acts 1987, p. 1472), providing for the release of certain persons from legal custody who own equitable interest in real estate of the county, so as to further provide for persons who can post bail or appeal bonds using certain real estate equitable interest.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Parsons	
Bailey	Covington	Hale	Preuitt	
Barron	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dial	Langford	Smith (J)	
Cabaniss	Drinkard	Mitchem	Windom	
Campbell	Ellis			—25
<i>Nays:</i>				—0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 470, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Cabaniss	Figures	Langford	
Bailey	Campbell	Goodwin	Mitchem	
Bedford	deGraffenried	Hand	Smith (J)	
Bedsole	Drinkard	Horn	Windom	
Bishop	Ellis			—17
<i>Nay:</i> Senator Amari				—1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 470. To amend Section 32-6-233.1, Code of Alabama 1975, which prohibits persons not having handicapped decals from parking in places

designated for the handicapped, so as to authorize municipalities to increase the fines for violations.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Figures	Mitchem	
Amari	deGraffenried	Goodwin	Parsons	
Bedford	Denton	Hale	Smith (B)	
Bedsole	Drinkard	Langford	Smith (J)	
Cabaniss	Ellis	Manley	Windom	
Campbell				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Amari, B. I. R., S. B. 389, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Figures	Mitchem	
Barron	Covington	Foshee	Preuitt	
Bedford	deGraffenried	Goodwin	Smith (B)	
Bedsole	Denton	Hale	Windom	
Bennett				—20

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 389. To prohibit students from carrying electronic communication devices while in school and provides for penalties for violations.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley	
Amari	Corbett	Figures	Mitchem	
Bailey	Covington	Foshee	Parsons	
Bedford	deGraffenried	Goodwin	Preuitt	
Bedsole	Denton	Hale	Smith (B)	
Cabaniss	Dial	Langford	Windom	—23

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 74. Relating to credit card crimes by adding a new Section 13A-9-14.1 to Title 13, Chapter 9, Code of Alabama 1975, so as to provide for definitions; to prohibit a person who is paid by a credit card for furnishing money, goods, or services or anything else of value, from defrauding the issuer, the acquirer or cardholder, as defined in this Act, through false credit card transactions; to specify a violation of this Act as a Class B felony; to provide for the severability of the provisions of this Act; and to provide for an effective date.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 67. To amend Section 5-11A-12, Code of Alabama 1975, so as to provide that a trust company or other financial institution with trust powers may, in its fiduciary capacity, purchase bonds or other securities underwritten or otherwise distributed by the financial institution or by a syndicate which includes the financial institution or by an affiliate of the financial institution; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 17. To amend Section 37-6-21, Code of Alabama 1975, to permit the board of trustees of a rural electric cooperative to mortgage or encumber the property, assets, rights, revenues and income of a cooperative without approval of the members and to define a substantial portion of the property referred to in this section.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 217. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama and the United Cerebral Palsy Development Center for East Central Alabama and from the State General Fund for the Simpson-May Cerebral Palsy Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 914. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county and providing for retroactive effect.

Also:

H. 852. Relating to the City of Marion in Perry County; authorizing the Marion City governing body to levy an additional ad valorem tax to be used for purposes for which general funds may be used and providing for a referendum on such taxes.

Also:

H. 795. Relating to Houston County; amending the title, section 2 and section 7 of Act No. 88-386, H. 768, 1988 Regular Session, relating to certain levies, collection and distribution of certain tobacco taxes, so as to eliminate the provisions relating to an advisory referendum and providing for the net revenues to be paid into the county general fund.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 150. To propose an amendment to the Constitution of Alabama of 1901 to authorize the operation of bingo games in Etowah County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 177. To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county and the voters within the corporate limits of any municipality in the county, on the question of whether the act will become effective.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 546. Relating to Conecuh County; amending the title and Section 4 of Act No. 86-222, H. 771 of the 1986 Regular Session (Acts 1986, p. 322) providing for the election of the County Board of Education members by single-member districts and repealing certain conflicting acts, so as to correct an incorrect act number from Act 84-641 to Act 84-642.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 805. To create a fund in the state treasury to be known as the Governor's Contingency Fund; to define the purposes for which said fund may be used and the manner of making withdrawals therefrom; to provide for the appropriation thereto; and to provide the effective date of this act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Amari, B. I. R., S. B. 386, adopted.

Yeas 15; Nays 3.

Yeas:

Senators:	Covington	Drinkard	Manley	
Bedsole	deGraffenried	Figures	Mitchem	
Cabaniss	Denton	Goodwin	Smith (B)	
Campbell	Dial	Hale	Windom	—15

Nays:

Senators:	Amari	Ellis	Parsons	—3
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 386. Authorizing the regulation by municipalities or other local governing authorities of private for-hire vehicles, providing passenger transportation services and providing that municipalities or other local governing authorities and any officers or members of such shall not be subject to liability under the federal antitrust laws.

was read a third time at length and passed, and ordered sent forthwith to the House.

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Yeas 10; Nays 9.

Yeas:

Senators:	Cabaniss	Figures	Hand	
Bailey	Covington	Goodwin	Rice	
Bedsole	Drinkard	Hale		—10

Nays:

Senators:	Dial	Mitchem	Smith (B)	
Amari	Ellis	Parsons	Windom	
deGraffenried	Manley			—9

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 427, adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	deGraffenried	Figures	Langford	
Bailey	Denton	Foshee	Manley	
Bedsole	Dial	Goodwin	Smith (B)	
Cabaniss	Drinkard	Hale	Windom	
Covington	Ellis	Hand		—18

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 427. To amend Section 32-6-270, Code of Alabama 1975, which defines the term "fire fighter" for purposes of issuing distinctive license plates, so as to include retired fire fighters within said definition.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Figures	Langford	
Amari	Covington	Foshee	Manley	
Bailey	deGraffenried	Goodwin	Mitchem	
Bedford	Denton	Hale	Smith (B)	
Bedsole	Dial	Hand	Windom	
Cabaniss	Ellis			—21

Nays: —0

THE BILL:

S. 287. To provide for and permit the breeding of farm-raised alligators for certain commercial purposes; to provide for the regulation of, and to regulate, the breeding, exhibiting, selling, purchasing, shipping, or transporting of farm-raised alligators or the skins, carcasses or parts thereof, by the state department of conservation and natural resources; to provide for the licensing

of alligator farmers, alligator parts dealers, and certain retailers and restaurants; to provide for the procedure for tagging of certain alligator skins, carcasses, meat or parts; to provide for certain property rights in certain alligators and parts thereof; to provide for the furnishing or retention or inspection of certain records or bills of sale, relating to the sale or purchase or shipment of certain such alligator skins or carcasses or parts; to provide for a severance tax upon the skins of certain alligators taken within this state; to prohibit the taking or possession of alligators or their eggs, skins, or parts except as provided herein; to provide for the voiding of said licenses under certain circumstances; to provide for the forfeiture and disposal of certain alligators, parts, and skins and the cancellation of alligator farmer licenses under certain circumstances; and to provide for penalties.

was taken up.

On motion of Senator Manley the Rules were suspended under the provisions of Senate Rule 14(4), and he was granted permission to take up the Bill, H. B. 17, in place of the Consent Calendar Bill, S. B. 287.

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 17, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Mitchem
Bennett	Dial	Hale	Preuitt
Cabaniss	Ellis	Holmes	Smith (B)
Campbell	Figures	Langford	Smith (J)
Covington	Foshee	Manley	Windom
deGraffenried			

—20

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 17. To provide for and permit the breeding of farm-raised alligators for certain commercial purposes; to provide for the regulation of, and to regulate, the breeding, exhibiting, selling, purchasing, shipping, or transporting of farm-raised alligators or the skins, carcasses or parts thereof, by the state department of conservation and natural resources; to provide for the licensing of alligator farmers, alligator parts dealers, and certain retailers and restaurants; to provide for the procedure for tagging of certain alligator skins, carcasses, meat or parts; to provide for certain property rights in certain alligators and parts thereof; to provide for the furnishing or retention or inspection of certain records or bills of sale, relating to the sale or purchase or shipment of certain such alligator skins or carcasses or parts; to provide for a severance tax upon the skins of certain alligators taken within this state; to prohibit the taking or possession of alligators or their eggs, skins, or parts except as provided herein; to provide for the voiding of said licenses under certain circumstances; to provide for the forfeiture and disposal of certain alligators, parts, and skins and the cancellation of alligator farmer licenses under certain circumstances; and to provide for penalties.

was read a third time at length and passed.

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Yeas 22; Nays 0.

Yeas:

Senators:	Covington	Foshee	Mitchem	
Bedsole	deGraffenried	Goodwin	Preuitt	
Bennett	Denton	Hale	Smith (B)	
Cabaniss	Dial	Holmes	Smith (J)	
Campbell	Ellis	Langford	Windom	
Corbett	Figures	Manley		—22

Nays: —0

On motion of Senator Manley, further consideration of the Bill, S. B. 287, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B. I. R., S. B. 510, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Mitchem	
Bedsole	Dial	Hale	Preuitt	
Cabaniss	Ellis	Holmes	Smith (B)	
Campbell	Figures	Langford	Smith (J)	
deGraffenried	Foshee	Manley	Windom	—19

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 510. To amend Sections 22-5-2, 22-5-4 and 22-5-5, Code of Alabama 1975, relating to the state commission on physical fitness to add the words "and sports" to the name of the commission, so that it is renamed the state commission on physical fitness and sports; to authorize alternate names for the commission; to provide for regular quarterly meetings of the commission; to provide authority for the commission to assist in and support physical fitness and sports programs for the public, in particular for mentally retarded citizens of the state; to provide authority for the commission to assist in and support a statewide sports competition; and to provide authority for the commission to enter into agreements and contracts in furtherance of the purposes as well as to assist in and support events to benefit its other programs.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21; Nays 0.

Yeas:

Senators:	Covington	Foshee	Mitchem	
Amari	deGraffenried	Goodwin	Preuitt	
Bedsole	Denton	Hale	Smith (B)	
Cabaniss	Dial	Langford	Smith (J)	
Campbell	Ellis	Manley	Windom	
Corbett	Figures			—21

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., S. B. 283, adopted.

Yeas 21; Nays 1.

Yeas:

Senators:	Campbell	Figures	Langford	
Barron	Covington	Foshee	Preuitt	
Bedford	deGraffenried	Goodwin	Smith (B)	
Bedsole	Denton	Hale	Smith (J)	
Bennett	Dial	Holmes	Windom	
Cabaniss	Ellis			—21

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 283. To amend Alabama Code Section 41-9-374 (1975) to delete the specified appropriation provisions for the Alabama Commissioners on Uniform State Laws.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Langford	
Amari	Corbett	Figures	Preuitt	
Barron	Covington	Foshee	Smith (B)	
Bennett	deGraffenried	Goodwin	Smith (J)	
Cabaniss	Dial	Hale	Windom	—19

Nays: —0

THE BILL:

S. 493. To create the unclassified positions of Director and Assistant Director of the Southern Environmental Enforcement Network (SEEN), to be responsible for the day-to-day management of the SEEN; to designate the Steering Committee of the SEEN as the responsible body for the selection, hiring and termination of the Director and Assistant Director; to provide that the salaries, and any salary increases, of the Director and Assistant Director be approved by the Steering Committee; to provide that the salaries of the Director and Assistant Director be paid from and in accordance with the federal grants awarded by the Environmental Protection Agency; to provide that said positions be abolished once the federal funding for the project is no longer available.

was read a third time at length and passed, and ordered sent forthwith to the House.

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Yeas 19; Nays 0.

Yeas:

Senators:	Corbett	Figures	Preuitt	
Bedsole	Covington	Foshee	Sanders	
Bennett	deGraffenried	Goodwin	Smith (B)	
Cabaniss	Dial	Hale	Smith (J)	
Campbell	Ellis	Langford	Windom	—19

Nays: —0

THE BILL:

S. 342. To authorize the Department of Human Resources to establish and administer a welfare employment program; to require certain applicants for and recipients of public assistance to participate in the employment program; and to repeal Sections 38-11-1 through 38-11-12 of the Code of Alabama 1975 relating to an Alabama human resources board and public works program for certain persons on public assistance.

was taken up.

Senator Amari requested and received permission to suspend the Rules in order to postpone further consideration of the Bill, S. B. 342, subject to the call of the Chair.

Pursuant to the provisions of Senate Rule 14(4), the Bill, S. B. 342, was placed on the Regular Order Calendar.

THE BILL:

S. 29. To prohibit discrimination in the selling, renting, leasing, and financing of housing; to prohibit certain actions and activities; and to provide penalties.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Dial	Preuitt	
Bedford	Corbett	Figures	Smith (B)	
Bedsole	Covington	Foshee	Smith (J)	
Bennett	deGraffenried	Goodwin	Windom	
Cabaniss	Denton	Hale		—18

Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 141. To amend Section 8-8-14, Code of Alabama 1975, which provides for an interest surcharge on loans and credit sales, so as to provide further for said interest and surcharges.

Also:

S. 142. Relating to the Teachers' Retirement System of Alabama; providing that certain persons employed by state junior colleges and state technical colleges may elect to purchase credited service for certain time such persons were on leave of absence; providing for the cost of such credited service; and providing for the expiration date of such option.

Also:

S. 147. To provide the procedure under which a molder may dispose of molds, dies or patterns used for pouring plastic or casting metal absent a written agreement.

Also:

S. 267. To authorize the governing body of any municipality, or any municipality or municipalities to establish historic preservation commissions and architectural review boards in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage in the state, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to such commissions and boards; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing bodies; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that each commission shall constitute a non-profit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; to provide for appeals and other judicial processes; to preserve certain existing historic development commissions or architectural review boards; to authorize these to be certified with local government status or to assume the powers of this act pursuant to proper ordinance; to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges, including the properties utilized in connection therewith, and to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges; and to provide that the provisions of this act are cumulative.

Also:

S. 297. To amend Section 9-11-246, Code of Alabama 1975, as last amended, relating to the penalties for the violation of Sections 9-11-244 and 9-11-245, Code of Alabama 1975, so as to increase and further provide for the penalties for violating Section 9-11-244 with respect to deer or turkey.

Also:

S. 604. To provide that the local governing bodies in Lowndes County and the Lowndes County governing body shall have certain mandatory authority and participation in solid waste collection and disposal programs; to provide for the authority of said local governing bodies to adopt by resolutions and ordinances reasonable rules and regulations relating to such participation; to provide for certain public nuisance violations and fines; to provide for certain assessments and procedures, all relating to solid waste collection and disposal facilities; to provide for fees and assessments, and fines for violations; to provide for hearings of aggrieved parties and fines.

Also:

S. 642. Amending Act No. 80-164, H. 167, 1980 Regular Session, which supplements the salaries of the Circuit Judges of the Thirteenth Judicial Circuit in Mobile County, so as to increase said supplement.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 441. Whenever any health insurance policy, contract, plan or agency certificate provides for reimbursement for any service which is within the lawful scope of practice of licensed registered nurses who have passed a national certification examination for the specialty practice of nurse anesthetist as recognized by the Alabama Board of Nursing, and said services are performed by a certified registered nurse anesthetist as recognized by the Alabama Board of Nursing, then the insured, or any other person covered by the policy, contract, or certificate shall be entitled to reimbursement and payment for such services performed by the Certified Registered Nurse Anesthetist, and said Certified Registered Nurse Anesthetist shall be entitled to direct reimbursement by the insurer.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 411, to-wit:

SUBSTITUTE FOR S. B. 441

A BILL TO BE ENTITLED AN ACT

Whenever any health insurance policy, contract, plan or agency certificate provides for reimbursement for any service which is within the lawful scope of practice of licensed registered nurses who have passed a national certification examination for the specialty practice of nurse anesthetist as recognized by the Alabama Board of Nursing, and said services are performed by a certified registered nurse anesthetist as recognized by the Alabama Board of Nursing, then the insured, or any other person covered by the policy, contract, or certificate shall be entitled to reimbursement and payment for such services performed by the Certified Registered Nurse Anesthetist, and said Certified Registered Nurse Anesthetist shall be entitled to direct reimbursement by the insurer, unless the Certified Registered Nurse Anesthetist is employed by contract with a group practice of anesthesiologists or a hospital, then such services shall be reimbursed through the employer, and to provide that nothing in this act shall prohibit a licensed hospital from

prescribing in its bylaws, policies, rules, or regulations, the qualifications, training, experience, scope of permissible activities, and level or degree of supervision required of any Certified Registered Nurse Anesthetist employed by or performing services in such hospital.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Notwithstanding any other provision of law, when any contract or plan of health insurance, or any plan or agreement for health care services provides for the reimbursement or payment for services which are within the scope of practice of registered nurses who have passed or who are qualified to take the national certification examination for the specialty practice of nurse anesthetist as recognized by the Alabama Board of Nursing, then the insured, or any other person covered by the policy, plan, contract or certificate shall be entitled to reimbursement or payment for such services performed by the Certified Registered Nurse Anesthetist, and said Certified Registered Nurse Anesthetist shall be entitled to direct reimbursement by the insurer, unless the Certified Registered Nurse Anesthetist is employed by contract with a group practice of anesthesiologist or a hospital, then such services shall be reimbursed through the employer.

Section 2. Nothing in this act shall prohibit a licensed hospital from prescribing in its bylaws, policies, rules, or regulations, the qualifications, training, experience, scope of permissible activities, and level or degree of supervision required of any Certified Registered Nurse Anesthetist employed by or performing services in such hospital.

Section 3. For the purposes of this section, Certified Registered Nurse Anesthetist means any licensed registered nurse licensed under Code of Alabama, 1975, as amended, §34-21-20, who is a graduate of a formal education program accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs or its predecessor, the American Association of Nurse Anesthetists, and is currently certified as a registered nurse anesthetist by the Council on Certification/Recertification of Nurse Anesthetists.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Figures	Preuit	
Bedsole	Covington	Foshee	Sanders	
Bennett	Denton	Goodwin	Smith (B)	
Cabaniss	Dial	Hale	Windom	
Campbell	Ellis	Langford		—18

Nays:

—0

And said Bill, S. B. 441, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

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24th Day

1859

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Preuitt
Bedsole	Covington	Goodwin	Sanders
Bennett	Denton	Hale	Smith (B)
Cabaniss	Dial	Langford	Windom
Campbell	Figures	Manley	

—18

Nays: —0

THE BILL:

S. 492. To amend Code of Alabama, 1975, §22-30-11, to prohibit commercial hazardous waste treatment or disposal facilities from accepting hazardous wastes generated in another state which prohibits the treatment, storage, or disposal of hazardous wastes within its own borders, or which refuses or fails to comply with 42 USC 9604(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, which requires each state to adequately treat and dispose of all hazardous wastes reasonably expected to be generated within that state over the next 20 years through the establishment of a hazardous waste treatment or disposal facility within the state or through the use of a hazardous waste treatment or disposal facility located outside the state in accordance with an interstate agreement or regional agreement or authority.

was taken up.

Senator Bennett requested and received permission to suspend the Rules in order that the following substitute be offered.

Senator Manley offered the following substitute for the Bill, S. B. 492, to-wit:

SUBSTITUTE FOR S. B. 492

**A BILL
TO BE ENTITLED
AN ACT**

To amend Code of Alabama, 1975, § 22-30-11, to provide for additional definitions and to prohibit commercial hazardous waste treatment or disposal facilities from accepting hazardous wastes generated in another state which prohibits the treatment, storage, or disposal of hazardous wastes within its own borders, or which refuses or fails to comply with 42 U.S.C. § 9604(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, which requires each state to adequately treat and dispose of all hazardous wastes reasonably expected to be generated within that state over the next 20 years through the establishment of a hazardous waste treatment or disposal facility within the state or through the use of a hazardous waste treatment or disposal facility located outside the state in accordance with an interstate agreement or regional agreement or authority.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislature finds that:

(1) The generation, management, and disposal of hazardous wastes is a cause of continuing concern to the citizens of this state;

(2) The State of Alabama has a responsibility to protect the public health, welfare, and safety of its citizens by and through the enactment of laws designed to protect and preserve the environment from the health risks and endangerments associated with the treatment and disposal of hazardous wastes;

(3) The United States Congress, recognizing the serious health threats and risks posed by the treatment and disposal of hazardous wastes to public health and the environment, enacted the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") 42 U.S.C. § 9604(c)(9), as amended, which requires that each state demonstrate by October 17, 1989, that it has adequate capacity to treat, destroy, or secure disposition of all hazardous wastes reasonably expected to be generated within the state over the next 20 years through the establishment of a hazardous waste treatment or disposal facility located within its borders, or through the use of a hazardous waste treatment or disposal facility located outside the state in accordance with an interstate agreement or regional agreement or authority;

(4) In enacting the capacity assurance requirements, Congress recognized that local pressures have impeded the siting of new hazardous waste treatment and disposal facilities in the nation in the past several years, and that if the federal Resource Conservation and Recovery Act as amended ("RCRA") and CERCLA are to work properly, such additional sites must be made available. Since Alabama is already bearing far more than its fair share of the burden of managing hazardous wastes, it is only equitable that new capacity be developed in other states which have failed to assume their own obligations to site such facilities.

(5) Both Congress and the U. S. Environmental Protection Agency have recognized that the capacity assurance provisions of CERCLA would be used to force the development of new capacity to manage hazardous wastes. Implicit in the CERCLA capacity-assurance procedure is a recognition that an importing state might refuse to enter into an agreement with an exporting state, requiring the exporting state to create available capacity through waste reduction or through siting new facilities, or enter into an agreement with another state to manage these wastes;

(6) The State of Alabama has enacted and implemented an approved program for the handling and disposal of hazardous wastes within its borders, known as the "Hazardous Wastes Management and Minimization Act," and has established regulations and guidelines for the treatment, storage, and disposal of all hazardous wastes generated within the state, and continues to evaluate and update those regulations and guidelines;

(7) The State of Alabama, since 1978, has had an adequate capacity for the destruction, treatment, or secure disposition of all hazardous wastes that are reasonably expected to be generated within the state over the next 20 years through the establishment and continued existence of commercial hazardous waste facilities within the state;

(8) The State of Alabama has, since 1978, accepted for treatment and disposal, disproportionate amounts of hazardous wastes generated within the borders of other states which have not taken steps to provide the assurance required by 42 U.S.C. § 9604(c)(9);

(9) The constant influx of large volumes of hazardous wastes entering this state over and through congested state, county, and municipal highways

and roads, coupled with the ever-increasing potential for traffic accidents and mishaps involving hazardous waste transporters, and the likelihood of leaks, spills, and/or explosions of said hazardous wastes resulting therefrom, altogether pose an unreasonable and unjustifiable risk to the health, safety, and welfare of Alabama's citizens;

(10) The State of Alabama lacks the financial resources and trained personnel necessary to cope with the serious dangers and risks associated with the transportation within this state of the ever-increasing volumes of hazardous wastes generated out of state, and, as a consequence, it can no longer adequately insure the safety and protection of its citizens from these hazards;

(11) While the use of landfills for the disposal of hazardous wastes is presently an approved method of hazard waste management, the federal and state governments are implementing phased bans on land disposal and CERCLA describes the landfilling of wastes as the least desirable regulatory technology;

(12) The State of Alabama has a genuine and significant interest in protecting its citizens and its environment from the unencumbered influx of hazardous waste generated in states which do not responsibly provide for the treatment, storage, and disposal of hazardous wastes within their own borders or which refuse to enter into an interstate or regional agreement to share the responsibilities of safe and effective hazardous waste management as required by CERCLA, as amended;

(13) The State of Alabama is compelled by the actions of other states which refuse to responsibly provide for hazardous waste treatment, storage, and disposal within their own borders or fail to cooperate in an interstate or regional plan for hazardous waste management, to enact legislation establishing a comprehensive waste management program in compliance with CERCLA, and which safeguards against the irresponsibility of other states which do not have adequate hazardous waste management programs by prohibiting the treatment, storage, or disposal of hazardous waste in Alabama in which are generated in a state which does not allow hazardous waste treatment or disposal facilities within that state or which has not entered into an interstate or regional agreement to assure availability of hazardous waste treatment or disposal facilities.

(14) The imposition of the requirement contained in this legislation will encourage the development of new waste disposal facilities in other states in accord with the intentions of the Congress in enacting Section 42 U.S.C. § 9604(c)(9), and will have the beneficial effect of reducing, in an orderly manner, the nation's dependence on landfilling as a methodology for disposing of hazardous wastes.

Section 2. Code of Alabama, 1975, as amended, § 22-30-11, is hereby amended as follows:

“22-30-11(a) The department acting through the commission, is authorized to promulgate, and may revise when appropriate, rules and regulations, guidelines, criteria and standards for all hazardous waste management practices.

(b) It is unlawful for any person who owns or operates a commercial hazardous waste treatment or disposal facility within this state to dispose

or treat any hazardous waste generated in any state outside the State of Alabama which:

(i) prohibits by law or regulation the treatment or disposal of hazardous wastes within that state and which has no facility permitted or existing within that state for the treatment or disposal of hazardous wastes; or

(ii) has no facility permitted or existing within that state for the treatment or disposal of hazardous wastes; unless that state has entered into an interstate or regional agreement for the safe disposal of hazardous wastes pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act. The department shall establish and maintain a list of states from which hazardous wastes cannot be accepted for treatment or disposal pursuant to this paragraph and there shall be no liability under the paragraph for disposal of wastes from a state until fifteen (15) days after a state has been listed by the Department. Such list shall be publicly available and set forth the reasons why each state is listed. The date on which a state is included on such list shall be provided. The list of states shall be revised monthly. The state of generation as shown on the hazardous waste manifest shall be used in determining whether a person has treated or disposed of waste in violation of this subsection, and any person who alters the state of generation on any manifest or misrepresents the state of generation of any hazardous waste for the purpose of circumventing this statute shall be punishable in accordance with Section 22-30-19 herein.

(c) Subsequent to the effective date of this Act, no commercial hazardous waste treatment or disposal facility operating in this state may contract with states other than the State of Alabama in order to satisfy the capacity assurance programs required by 42 U.S.C. § 9604(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended."

(d) For the purpose of this section, the following additional terms are defined:

(1) AGREEMENT. Any interstate or regional contract or agreement made pursuant to capacity assurance requirements of Section 42 U.S.C. § 9604(c)(9) of CERCLA and which one of the signatories to such contract or agreement is the State of Alabama.

(2) COMMERCIAL HAZARDOUS WASTE TREATMENT OR DISPOSAL FACILITY. A facility which receives for disposal only, or for treatment and disposal, hazardous wastes that are not generated on-site and to which facility a fee is paid or other consideration given for such treatment or disposal.

(3) OPERATOR. The person responsible for overall operations of a commercial hazardous waste treatment or disposal facility.

(4) REGION(AL). Region(al) shall mean any or all of the following states: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

(5) STATE OF GENERATION. A state of the United States in which the hazardous waste is generated in the form in which it is received by a commercial hazardous waste treatment or disposal facility located in Alabama for treatment or disposal.

Section 3. The provisions of this act are cumulative and shall not be deemed to repeal existing laws.

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24th Day**

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Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 5. This act shall become effective one hundred twenty (120) days after its passage and approval by the Governor, or upon its otherwise becoming a law except that Section 2(c) shall become effective immediately upon this Act becoming law.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Corbett	Figures	Parsons	
Bedford	Covington	Foshee	Preuitt	
Bedsole	deGraffenried	Goodwin	Sanders	
Bennett	Denton	Hale	Smith (B)	
Cabaniss	Dial	Langford	Windom	
Campbell	Ellis	Manley		—22

Nays: —0

And said Bill, S. B. 492, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Manley	
Amari	Covington	Figures	Parsons	
Bedford	deGraffenried	Foshee	Preuitt	
Bedsole	Denton	Goodwin	Sanders	
Bennett	Dial	Hale	Smith (B)	
Cabaniss	Drinkard	Langford	Windom	
Campbell				—24

Nays: —0

THE BILL:

S. 324. To amend Section 38-2-7, Code of Alabama 1975, which creates local county boards of human resources and specifies who may serve as members of such local boards, so as to state that no person who is related by consanguinity or affinity within the fourth degree or nearer under the civil law to any such officer or employee shall be a member of any such county board of human resources.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 324, to-wit:

AMENDMENT TO S. B. 324

Amend Senate Bill No. 324 Page 1, Line 26, as follows: delete the words "such officer or employee" at the beginning of the line and add the words

"person who is elected to public office, who is a candidate for public office, or who is an employee of the local Department of Human Resources" in lieu thereof.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Corbett	Figures	Parsons	
Amari	Covington	Foshee	Preuitt	
Bedford	deGraffenried	Goodwin	Sanders	
Bedsole	Denton	Hale	Smith (B)	
Cabaniss	Dial	Langford	Windom	
Campbell	Ellis	Manley		—22

Nays: —0

Senator Campbell requested and received permission to suspend the Rules in order to postpone further consideration of the Bill, S. B. 324, as amended, subject to the call of the Chair.

THE BILL:

S. 400. To amend Section 36-16-8, Code of Alabama 1975, which provides for the inventory of state property, so as to provide further for such inventory.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Bedford	Covington	Goodwin	Preuitt	
Bedsole	deGraffenried	Hale	Sanders	
Bennett	Dial	Hilliard	Smith (B)	
Cabaniss	Ellis	Langford	Windom	
Campbell	Figures			—21

Nays: —0

THE BILL:

H. 113. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1988 Regular Session of the legislature, as contained in the 1988 Cumulative Supplement to the Code of Alabama 1975; and to make certain corrections in such cumulative supplement.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley	
Amari	Corbett	Figures	Preuitt	
Bedford	Covington	Foshee	Sanders	
Bedsole	deGraffenried	Goodwin	Smith (B)	
Bennett	Denton	Hale	Windom	
Cabaniss	Dial	Hilliard		—22

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 307. COMMENDING THE GERALDINE HOMEMAKER CLUB FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

H. J. R. 311. DECLARING "CAMP SMILE WEEK", JUNE 26-30, 1989.

Also:

H. J. R. 313. COMMENDING JUANITA J. VANN ON HER NOMINATION AS A CANDIDATE FOR NEA UNISERVE DIRECTOR, AND FOR DEDICATION AND SERVICE IN THE FIELD OF EDUCATION.

Also:

H. J. R. 314. COMMENDING EUNICE HORTON ON HER NOMINATION AS A CANDIDATE FOR NEA UNISERVE DIRECTOR, AND FOR DEDICATION AND SERVICE IN THE FIELD OF EDUCATION.

Also:

H. J. R. 315. COMMENDING BRENDA DeRAMUS-COLEMAN ON HER NOMINATION AS CANDIDATE FOR NEA UNISERVE DIRECTOR, AND FOR DEDICATION AND SERVICE IN THE FIELD OF EDUCATION.

Also:

H. J. R. 304. COMMENDING THE ALABAMA ASSOCIATION OF RESCUE SQUADS AND THE ASSOCIATION'S MEMBER UNITS.

Also:

H. J. R. 350. COMMENDING GEORGE E. DIXON FOR OUTSTANDING SERVICE TO LOCAL UNION 505, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS.

Also:

H. J. R. 355. COMMENDING WILLIE MAE BUTLER OF HUNTSVILLE, ALABAMA, ON HER OUTSTANDING ACHIEVEMENTS.

Also:

H. J. R. 357. CONGRATULATING THE ERWIN HIGH SCHOOL FOOTBALL TEAM AS THE AREA 10 CHAMPIONS.

Also:

H. J. R. 299. CONGRATULATING GORDON G. SMITH, III, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 300. CONGRATULATING LUIS M. WILLIAMS, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 301. COMMENDING MR. THOMAS S. DAMSON OF MOBILE, ALABAMA.

Also:

H. J. R. 302. COMMENDING THE WILLIAMSON HIGH SCHOOL GIRLS BASKETBALL TEAM AS OUR 1989 STATE 5A GIRLS CHAMPIONS.

Also:

H. J. R. 295. CONGRATULATING JOHN P. MACNAMARA, III, PH.D., MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 296. CONGRATULATING JOHN N. HECKER, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 297. CONGRATULATING J. BRADLEY DONAGHEY, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 298. CONGRATULATING ROBERT B. BARNETT, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 287. MOURNING THE DEATH OF MR. ELI CAMPBELL OF CHOCTAW COUNTY, ALABAMA.

Also:

H. J. R. 288. CONGRATULATING ALABAMA'S 1989 JUNIOR MISS, KIMBERLY MARIE WIMMER OF MOBILE.

Also:

H. J. R. 293. COMMENDING ANGELINE WHEAT OF SELMA, ALABAMA, FOR DEDICATED AND HONORABLE SERVICE TO THE STATE OF ALABAMA.

Also:

H. J. R. 294. COMMENDING JIM AGNEW FOR DISTINGUISHED SERVICE TO THE HUNTSVILLE-MADISON COUNTY COMMUNITY AND DESIGNATING HIM AS "MR. AMBULANCE."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of

a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set in the foregoing Message from the House.

UNFINISHED BUSINESS
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 31. To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

The question was on the Corbett substitute for the Bedsole substitute No. 2, which said substitutes are set out in the Journals of the Senate for the Eighteenth and Twenty-Second Legislative Days.

On motion of Senator Corbett, further consideration of the Bill, S. B. 31, and pending substitutes was postponed until Monday, May 1, 1989, until 5 o'clock P.M., at which time a vote will be taken.

FURTHER CONSIDERATION OF S. B. 26

The Senate proceeded to further consideration of the Bill:

S. 26. To create the "Alabama Fair Business Act of 1988"; to further regulate trade, commerce and industry in order to prevent deceptive or illicit business practices, consumer fraud, false or bait advertising and those practices prohibited by the Federal Trade Commission Act (15 U.S.C., Section 45 (a)(1), as amended); to provide that all laws or parts of existing laws relating to the aforementioned areas of regulation of trade, commerce and industry and business practices shall be construed in *pari materia* with the provisions of this act, except that those laws or parts of laws in direct conflict herewith are superseded by this act; to provide for the State Attorney General and the Division of Consumer Protection within the office of Attorney General to have certain duties, powers and authority to promulgate, implement and enforce the provisions of this act; to prescribe certain felony and misdemeanor penalties for certain unlawful acts and violating the provisions of this act; to prescribe certain civil procedures and an effective date.

as amended by the substitute, which said substitute is set out in the Journal of the Senate for the Tenth Legislative Day.

Senator Figures offered the following substitute No. 2 for the Bill, S. B. 26, as amended, to-wit:

SUBSTITUTE NO. 2 FOR S. B. 26, AS AMENDED

A BILL
TO BE ENTITLED
AN ACT

To amend Code of Alabama 1975, Sections 8-19-3, 8-19-5, 8-19-6 and 8-19-8 relating to the Alabama Deceptive Trade Practices Act so as to add the definitions of certain terms and unlawful trade practices; to clarify the unlawful trade practice of odometer tampering and to provide as an unlawful trade practice certain acts relating to promotional giveaways, health spas, career consulting firms, credit repair services and debt adjustment services

for a fee; to authorize the Attorney General to formulate rules and regulations for enforcing Act; to provide for execution of voluntary compliance agreement; to provide felony penalty for specific violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Code of Alabama, 1975, § 8-19-3 is hereby amended to read as follows:

§ 8-19-3. Definitions.

(1) ATTORNEY GENERAL. The attorney general of the state of Alabama or his duly assigned representatives.

(2) CONSUMER. Any natural person who buys goods or services for personal, family or household use.

(3) GOODS. Includes but is not limited to any property, tangible or intangible, real, personal, or any combination thereof, and any franchise, license, distributorship, or other similar right, privilege, or interest.

(4) KNOW, KNOWING, KNOWINGLY, KNOWLEDGE and KNEW. Either actual awareness or such awareness as a reasonable person should have considering all the surrounding circumstances.

(5) PERSON. Includes but is not limited to natural persons, corporations, trusts, partnerships, incorporated or incorporated associations and any other legal entity.

(6) SALE, BUYING and DISTRIBUTION. In addition to their ordinary meanings, include but are not limited to the act of leasing, renting or consigning.

(7) SERVICES. Work, labor, and other services, including but not limited to services furnished in connection with the sale or repair of goods.

(8) TRADE or COMMERCE. Includes but is not limited to the advertising, buying, offering for sale, sale or distribution or performance of any service or goods, and any other article, commodity or thing of value wherever situated and shall include any trade or commerce affecting the people of this state.

(9) TELEMARKETING PROMOTIONAL GIVEAWAY, TELEMARKETING PROMOTIONAL CONTEST or TELEMARKETING PROMOTION means any scheme or procedure constituting a primary part of a business which relates in any way to the use of a telephone in the ordinary course of business to communicate the sale, offer of sale, or lease, of goods or services, whereby one or more prizes, gifts, awards, or other items, including, but not limited to, items for which there is an attempt to charge a nominal amount, are distributed, provided or given to persons upon the purchase or lease of any such goods or services, or to persons who are required to be present at the place of business or are required to participate in a seminar, sales presentation, or any other solicitation, by whatever name denominated, in order to receive the prize, gift, award, or other item or to determine which, if any, prize, gift, award, or other item they will receive. Telemarketing promotional giveaways and contests shall not include any procedure where the receipt of the prize, gift, award, or other item is conditioned upon the purchase of the item which the seller is trying to promote if such condition is clearly and conspicuously disclosed in the promotional advertising and literature and the receipt of the prize, gift,

award, or other item does not involve an element of chance. Any procedure where the receipt of the prize, gift, award, or other item is conditioned upon the purchase of the item which the seller is trying to promote and where the receipt of that prize, gift, award, or other item involves an element of chance shall be deemed to be a lottery under the laws and constitution of this state.

(10) CREDIT REPAIR SERVICES ORGANIZATION.

a. A credit repair services organization is a person or entity who, as a primary part of its business, with respect to the extension of credit by others and in return for the payment of money or valuable consideration provides or represents that the person can or will provide any of the following services:

1. Improving a buyers credit record, history or rating;
2. Obtaining an extension of credit for a buyer;
3. Providing advice or assistance to a buyer with regard to subdivision 1 of 2 or this subsection.

b. The following are exempt from this subsection:

(1) A person authorized to make loans or extensions of credit under the laws of this state or the United States who is subject to regulation and supervision by this state or the United States, or a lender approved by the United States secretary of housing and urban development for participation in a mortgage insurance program under the National Housing Act (12 U.S.C. Section 1701 et seq.);

(2) A bank or savings and loan association whose deposits or accounts are eligible for insurance by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or a subsidiary of such a bank or savings and loan association;

(3) A credit union doing business in this state;

(4) A nonprofit organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986;

(5) A person licensed in this state as a real estate broker or salesman acting within the course and scope of that license;

(6) A person licensed to practice law in this state acting within the course and scope of the person's practice as an attorney;

(7) A person licensed in this state as an accountant or certified public accountant acting within the course and scope of that license;

(8) A broker-dealer registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission acting within the course and scope of that regulation; and

(9) A consumer reporting agency as defined by 15 U.S.C. section 1681(a)(f).

(11) CAMPGROUND MEMBERSHIP means any arrangement under which a purchaser has the right to use, occupy, or enjoy a campground membership facility.

(12) CAMPGROUND MEMBERSHIP FACILITY means any campground facility at which the use, occupation, or enjoyment of the facility is

primarily limited to those purchasers, along with their guests, who have purchased a right to make reservations at future times to use the facility or who have purchased the right periodically to use the facility at fixed times or intervals in the future.

(13) CAREER CONSULTING FIRM means any person providing services to an individual in conjunction with a career search and consulting program for the individual, including, but not limited to, counseling as to the individual's career potential, counseling as to interview techniques, and the identification of prospective employers. A "career consulting firm" does not guarantee actual job placement as one of its services. A "career consulting firm" shall not include any person who provides these services without charging a fee to applicants for those services or any employment agent or agency regulated under Sections 34-10-1 through 34-10-5, Code of Alabama, 1975, as amended.

(14) DOCUMENTARY MATERIAL means the original or a copy, whether printed, filmed, or otherwise preserved or reproduced, by whatever process, including electronic data storage and retrieval systems, of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or record wherever situate.

(15) HEALTH SPA means an establishment which provides, as one of its primary purposes, services or facilities which are purported to assist patrons to improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise. The term includes an establishment designated as a "reducing salon," "health spa," "spa," "exercise gym," "health studio," "health club," or by other terms of similar import. A health spa shall not include any of the following:

(a) Any nonprofit organization;

(b) Any facility wholly owned and operated by a licensed physician or physicians at which such physician or physicians are engaged in the actual practice of medicine; or

(c) Any such establishment operated by a health care facility, hospital, intermediate care facility, or skilled nursing care facility."

Section 2. Code of Alabama, 1975, § 8-19-5, is hereby amended to read as follows:

"§8-19-5. Unlawful trade practices.

The following deceptive acts or practices in the conduct of any trade or commerce are hereby declared to be unlawful:

(1) Passing off goods or services as those of another, provided that this section shall not prohibit the private labeling of goods or services;

(2) Causing confusion or misunderstanding as to the source, sponsorship, approval or certification of goods or services;

(3) Causing confusion or misunderstanding as to the affiliation, connection, or association with, or certification by another, provided that this section shall not prohibit the private labeling of goods or services;

(4) Using deceptive representations or designations of geographic origin in connection with goods or services;

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(5) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or qualities that they do not have or that a person has sponsorship, approval, status, affiliation or connection that he does not have;

(6) Representing that goods are original or new if they are deteriorated, reconditioned, reclaimed, used, second-hand or altered to the point of decreasing their value or rendering the goods unfit for the ordinary purpose for which they were purchased, provided that this subdivision shall not apply to new goods which have been reconditioned, reclaimed or repaired and such fact is disclosed to the purchaser;

(7) Representing that goods or services are of a particular standard, quality or grade, or that goods are of a particular style or model, if they are of another;

(8) Disparaging the goods, services or business of another by false or misleading representation of fact;

(9) Advertising goods or services with intent not to sell them as advertised;

(10) Advertising goods or services with intent not to supply reasonably expectable public demand unless the advertisement discloses a limitation of quantity;

(11) Making a false or misleading statement of fact concerning the reasons for, existence of or amounts of price reductions;

(12) Knowingly failing to identify flood, water, fire or accidentally damaged goods as damaged goods if they are damaged to the point of decreasing their value or rendering the goods unfit for the ordinary purpose for which they were purchased, provided, that this subdivision shall not apply to accidentally damaged new goods where the goods are reconditioned, reclaimed or repaired to substantially their original condition and such fact is disclosed to the purchaser;

(13) Knowingly making false or misleading statements of fact concerning the need for parts, replacement or repair service;

(14) Misrepresenting the authority of a salesman, representative or agent to negotiate the final terms of a transaction;

(15) Disconnecting, turning back, replacing or resetting the odometer of any motor vehicle so as to reduce the number of miles indicated on the odometer gauge with the intent of deception; Failure to comply with the following provisions relating to odometer tampering and fraud:

a. No person shall disconnect, turn back, alter, reset or replace the odometer gauge of any motor vehicle so as to reduce the number of miles indicated thereon with the intent to deceive.

b. No person shall with intent to defraud operate a motor vehicle on any street or highway knowing that the odometer of the motor vehicle is disconnected or nonfunctional.

c. No person shall advertise for sale, sell, use or install on any part of a motor vehicle or on any odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage. For the purpose of this subsection the actual mileage driven is that mileage

driven by the motor vehicle as registered by the odometer within the manufacturer's designed tolerance;

d. No person shall transfer, sell or offer for sale any motor vehicle with knowledge that the mileage registered on the odometer gauge has been altered so as to reflect a lower mileage than has actually been driven by the motor vehicle without disclosing such fact to a prospective purchaser.

e. No person shall conspire with any other person to violate this subsection.

f. Nothing in this subsection shall prevent the service, repair, or replacement of an odometer gauge, provided the mileage indicated thereon remains the same as before the service, repair or replacement. Where the odometer gauge is incapable of registering the same mileage as before such service, repair, or replacement, the gauge shall be adjusted to read zero and a written notice shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. No person shall remove or alter such a notice so affixed.

g. Violation of the provisions of this section shall constitute a Class C Felony.

h. As soon as practicable or economically feasible, the Alabama Department of Revenue, and all other state agencies affected, shall adopt all forms and procedures mandated by the federal Truth-In-Mileage Act of 1986 (as amended) that pertain to or are germane to statutes, rules and regulations, and procedures administered by the agencies.

(16) Advertising of any sale by falsely representing that a person is going out of business;

(17) After receipt of payment for goods or services, failing to ship such goods or furnish such services within the time advertised or otherwise represented or, if no specific time is advertised or represented, failing to ship such goods or furnish such services within 30 days, unless within such applicable time period the seller provides the buyer with the option to either cancel the sales agreement and receive a refund of all previous payments to the seller or to extend the said date to a specific date proposed by the seller. Any refund shall be mailed or delivered to the buyer within 10 business days after the seller receives written notification from the buyer of the buyer's option to cancel the sales agreement and receive such refund;

(18) Using or employing a chain referral sales plan in connection with the sale or offering for sale of goods, merchandise or anything of value, involving a sales technique, plan, arrangement or agreement in which the buyer or prospective buyer is offered the opportunity to purchase merchandise or goods and in connection with the purchase receives the seller's promise or representation that the buyer shall have the right to receive compensation or consideration in any form for furnishing to the seller the names of other prospective buyers, if the receipt of the compensation or consideration is contingent upon the occurrence of an event subsequent to the time the buyer purchased the goods, merchandise or anything of value;

(19) Selling or offering to sell, either directly or associated with the sale of goods, or services, a right to participation in a pyramid sales structure. As used herein, "pyramid sales structure" includes any plan or operation for the sale or distribution of goods, services or other property wherein a person

for consideration acquires the opportunity to receive a pecuniary benefit, which is based primarily upon the inducement of additional persons, by himself and other, regardless of number, to participate in the same plan or operation, and is not primarily contingent on the volume or quantity of goods, services or other property sold or distributed. For purposes of this subdivision, "consideration" shall not include payments made for sales demonstration equipment and materials furnished on a nonprofit basis for use in making sales and not for resale wherein such payments amount to less than \$100.00 annually;

(20) In connection with any seller-assisted marketing plan, either misrepresenting the amount or extent of earnings to result therefrom, or services sold or delivered in connection with such plan, or misrepresenting that the seller of such plan will repurchase all or part of the goods and/or services sold or delivered in connection with such plan or failing to deliver goods and/or services within the time represented. As used herein, "seller assisted marketing plan" includes any plan, scheme or system in which for a consideration a buyer acquires goods and/or services together with a plan, scheme or system for the resale of said goods and/or services;

(21) Intentionally misrepresenting that a warranty or guarantee confers or involves certain rights or remedies;

(22) Failure to comply with the following provisions relating to tele-marketing promotional giveaways or contests as defined in § 8-19-3 of this chapter:

(a) For purposes of this subsection, the term(s):

(i) "Conspicuously", when referring to type size, means either a larger or bolder type than the adjacent and surrounding material.

(ii) "In conjunction with and in immediate proximity to," when referring to a listing of verifiable retail value and odds for each prize, means that such value and odds must be adjacent to that particular prize with no other printed or pictorial matter between the value and odds and that listed prize.

(iii) "Notice" means a written communication containing all of the disclosures required by this paragraph to be received by a participant.

(iv) "Participant" means a person who is offered an opportunity to participate in a promotion.

(v) "Prize" means a gift, award, or other item to be distributed in a promotion.

(vi) "Promoter" means the person conducting the promotion.

(vii) "Sponsor" means the person on whose behalf the promotion is conducted in order to promote or advertise the goods, services, or property of that person.

(viii) "Verifiable retail value," when referring to a prize, means:

(I) The price at which the promoter or sponsor can substantiate that a substantial number of those prizes have been sold at retail by someone other than the promoter or sponsor; or

(II) In the event that substantiation as described in subdivision (I) of this subsection is not readily available to the promoter or sponsor, no more

than three times the amount which the promoter or sponsor has actually paid for the prize.

(a.1) Persons who are offered an opportunity to participate in a promotion must be given a notice as required by this subsection. The notice must be in the hands of the participant either prior to the person's traveling to the place of business or, if no travel by the participant is necessary, prior to any seminar, sales presentation, or other presentation, by whatever name denominated. Notices may be delivered by hand or by mail. Any offer to participate made through any other medium must be preceded by or followed by the required written notice at the required time. It is the intent of this subsection that full, clear, and meaningful disclosure shall be made to the participant in a manner such that the participant can fully study and understand the disclosure prior to deciding whether to travel to the place of participation or whether to allow a presentation to be made in the participant's home; and that this subsection be liberally construed to effect this purpose. The notice requirements of this subsection shall be applicable to any promotion offer made by any person in the State of Alabama or any promotion offer made to any person in the State of Alabama;

(b) The promotional giveaway or contest must be an advertising and promotional undertaking, in good faith, solely for the purpose of advertising the goods, services, or property, real or personal, of the sponsor. The notice shall contain the name and address of the promoter and of the sponsor, if applicable. The promoter and the sponsor may be held liable for any failure to comply with the provisions of this subsection;

(c) A promotion, as defined by §8-19-3(9), shall be a violation of this subsection if a person is required to pay or furnish consideration, other than the consideration of traveling to the place of business or to the presentation or of allowing the presentation to be made in the participant's home, in order to receive any prizes;

(d) Each notice must state the verifiable retail value of each prize which the participant has as chance of receiving. Each notice must state the odds of the participant's receiving each prize if there is an element of chance involved. The odds must be clearly identified as "odds". Odds must be stated as the total number of that particular prize which will be given and of the total number of notices. The total number of notices shall include all notices in which that prize may be given, regardless of whether it includes notices for other sponsors. If the odds of winning a particular prize would not be accurately stated on the basis of the number of notices, then the odds may be stated in another manner, but must be clearly stated in a manner which will not deceive or mislead the participant regarding the participant's chance of receiving the prize. The verifiable retail value and odds for each prize must be stated in conjunction and in immediate proximity with each listing of the prize in each place where it appears on the notice and must be listed in the same size type and same boldness as the prize. Odds and verifiable retail values may not be listed in any matter which requires the participant to refer from one place in the notice to another place in the notice to determine the odds and verifiable retail value of the particular prize. Verifiable retail values shall be stated in Arabic numerals.

(e) Upon arriving at the place of business or upon allowing the sponsor to enter the participant's home, the participant must be immediately informed which, if any, prize the participant will receive prior to any seminar, sales presentation, or other presentation; and the prize, or any voucher, certificate,

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or other evidence of obligation in lieu of the prize, must be given to the participants at the time the participant is so informed.

(f) No participant shall be required or invited to view, hear, or attend any sales presentation, by whatever name denominated, unless such requirement or invitation has been conspicuously disclosed to the participant in the notice in at least ten-point boldface type;

(g) In the event any prize is offered or given which will require the participant to purchase additional goods or services, including shipping fees, handling fees, or any other charge by whatever name denominated from any person in order to make the prize conform to what it reasonably appears to be in the mailing or delivery, such requirement and the additional cost to the participant must be clearly and conspicuously disclosed in each place where the prize is listed in the notice; this disclosure shall be made by using the following appropriately completed statement:

"You must pay \$_____ in order to receive this item."

This statement shall be in the same size type and same boldness as the prize listed;

(h) Any limitation on eligibility of participants must be clearly disclosed in the notice;

(i) Substitutes of prizes shall not be made. In the event the represented prize is unavailable, the participant shall be presented with a certificate which the sponsor shall honor within 30 days by shipping the prize, as represented in the notice, to the participant at no cost to the participant. In the event a certificate cannot be honored within 30 days, the sponsor shall mail to the participant a valid check or money order for the verifiable retail value which was represented in the notice;

(j) In the event the participant is presented with a voucher, certificate, or other evidence of obligation as the participant's prize, or in lieu of the participant's prize, it shall be the responsibility of the sponsor to honor the voucher, certificate, or other evidence of obligation, as represented in the notice, if the person who is named as being responsible for honoring the voucher, certificate, or other evidence of obligation fails to honor it as represented in the notice;

(k) The geographic area covered by the notice must be clearly stated. If any of the prizes may be awarded to persons outside of the listed geographical area or to participants in promotions for other sponsors, these facts must be clearly stated, with a corresponding explanation that every prize may not be awarded or given if the winning ticket, token, number, lot, or other device used to determine winners in that particular promotion is not presented to the promoter or sponsor, this fact must be clearly disclosed;

(l) Upon request of the attorney general or a district attorney, the sponsor or promoter must within ten days furnish to the requesting party the names, addresses, and telephone numbers of persons who have received any prize;

(m) A list of all winning tickets, tokens, numbers, lots, or other devices used to determine winners in promotional contests involving an element of chance must be prominently posted at the place of business or distributed to all participants if the seminar, sales presentation, or other presentation is made at a place other than the place of business. A copy of such list shall be furnished to each participant who so requests;

(n) Any promotion involving an element of chance which does not conform with the provisions of this subsection shall be considered a lottery as defined in the laws and the Constitution of this state;

(o) Any person who participates in a promotional giveaway or contest and does not receive an item which conforms with what that person, exercising ordinary diligence, reasonably believed that person should have received based upon the representations made to that person may bring the private action provided for in this chapter and, if that person prevails, shall be awarded, in addition to any other recovery provided under this chapter, a sum which will allow that person to purchase an item at retail which reasonably conforms to the prize which that person, exercising ordinary diligence, reasonably believed that person would receive; and

(p) In addition to any other remedy provided under this chapter, where a contract is entered into while participating in a promotional giveaway or contest, the contract shall be voidable by the participant for five business days following the date of the contract. In order to void the contract, the participant must notify the sponsor solicitor or promoter in writing within five legal business days following the signing of the contract.

(23) Failure to furnish to the buyer of any campground membership or marine membership at the time of a purchase a notice to the buyer allowing the buyer five days to cancel the purchase. The notice shall be on a separate sheet of paper with no other written or pictorial material, in at least ten-point boldface type, double spaced, and shall read as follows:

"Notice to the Buyer"

Please read this form completely and carefully. It contains valuable cancellation rights.

The buyer or buyers may cancel this transaction at any time prior to 5:00 p.m. of the fifth legal business day following receipt of this notice.

This cancellation right cannot be waived in any manner by the buyer or buyers.

Any money paid by the buyer or buyers must be returned by the seller within 30 days of cancellation.

To cancel, sign this form, and personally deliver mail by certified mail, return receipt requested by 5:00 p.m. of the fifth day following the transaction. Be sure to keep a photocopy of the signed form and your post office receipt.

Seller's Name

Address to which cancellation is to be mailed

I (we) hereby cancel this transaction.

Buyer's Signature

Buyer's Signature

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Date

Printed Name(s) of Buyer(s)

Street Address

City, State, Zip Code.

(24) Failure of the seller of a campground membership or marine membership to cancel according to the terms specified in the form described in subsection (23) of this section."

(25) Owning, operating, promoting or acting in any way in affiliation with a credit repair services organization, or selling or attempting to sell the services of a credit repair services organization.

(26) Owning, operating, engaging in, or offering to or attempting to engage in the business or practice of debt adjusting in this state.

As used in this subsection, "debt adjusting" means the making of a contract, expressed or implied, with a particular debtor whereby the debtor agrees to pay a certain amount of money periodically to the person engaged in the debt adjustment business, who shall for a consideration distribute the same among certain specified creditors in accordance with a plan agreed upon.

(27) Failing to comply with the following provisions concerning health spas:

(a) A written contract shall be employed which shall constitute the entire agreement between the parties, a fully completed copy of which shall be furnished to the consumer at the time of its execution which shows the date of the transaction and the name and address of the seller; provided, however, that no contract shall be valid which has a term in excess of 24 months. Contracts shall be renewable at the end of each 24 month period of time, at the mutual option of both parties to the contract;

(b) The contract or an attachment thereto shall state clearly any rules and regulations of the seller which are applicable to the consumer's use of the facilities or receipt of its services;

(c) The contract shall state clearly on its face the cancellation and refund policies of the seller;

(d) The health spa member has the right to cancel the contract within three legal business days after the date of the signing of the contract by notifying the seller in writing of such intent and by either mailing the notice by certified or registered mail to the seller or personally delivering the notice to the seller before 12:00 o'clock Midnight of the third legal business day after the date of the contract. The notice must be accompanied by the membership cards and other evidence of membership previously delivered to the buyer. If the health spa member so cancels, any payments made under the contract will be refunded and any evidence of indebtedness executed by the health spa member will be canceled by the seller, provided that the

member shall be liable for the fair market value of services actually received, which in no event shall exceed \$25.00. The promotion of or the preparation of any documents shall be construed to be services;

(e) If a health spa member executes a contract and pays moneys before a spa facility is fully operational and available for use and if such spa facility is not fully operational and available for use within 30 days from the date of the contract, then such member shall have until three business days after the spa facility is fully operational and available for use to cancel the contract and receive a refund of any payments made the seller, provided that the buyer shall be liable for the fair market value of the services actually received, which in no event shall exceed \$25,000.00. The promotion of or the preparation of documents shall not be construed to be services. Such notice must be in writing and either mailed by certified or registered mail to the seller or hand delivered to the seller with a return receipt within said period of time. The notice must be accompanied by the membership cards and any other evidence of membership previously delivered to the buyer;

(f) Every contract for health spa services shall contain a clause providing that, if the member becomes disabled during the membership term, he may cancel his contract and that the health spa is entitled to an amount equal to the value of services made available for use. The health spa shall have the right to require and verify reasonable evidence of disability. For purposes of this subdivision disability means such disability as would prevent the member from making any substantial use of the health spa facilities;

(g) The health spa contract should state that, if a consumer has a history of heart disease, he should consult a physician before joining a spa;

(h) every health spa:

(i) Shall maintain a bond issued by a surety company admitted to do business in the state. The principal sum of the bond shall be according to the following schedule: One to three locations—\$20,000.00; four to six locations—\$40,000.00 seven to nine locations—\$60,000.00; ten to 12 locations—\$80,000.00; and 13 or more locations—\$100,000.00. For purposes of this subdivision, the term "location" shall include health spa facilities controlled by, under common control with, or which control other health spa corporations. The bond shall be obtained before any contracts for health spa services are sold. The bond shall be in favor of the state for the benefit of any person injured as a result of a violation of this act. The aggregate liability of the surety to all persons for all breaches of the conditions of the bonds provided in this subdivision shall in no event exceed the amount of the bond. After July 1, 1989, proof of such bond shall be furnished to the Attorney General prior to selling any contracts for health spa services. Thereafter, no contract for health spa services shall be sold unless proof of a current bond is on file with the Attorney General the health spa is currently meeting the requirements of (ii) or of (iii) of this subparagraph. All bonds, letters of credit as described in division (ii) of this subparagraph, or exemptions as described in division (iii) of this subparagraph shall be effective for a period ending on June 30 of each year. Any health spa which wishes to request an exemption from the requirements of (i) or (ii) of this subparagraph must submit a written request at least 90 days prior to July 1, of the year in which it desires the exemption;

(ii) In lieu of furnishing the Attorney General with proof of the bond required in (i) of this subparagraph, a health spa may furnish the Attorney General with a certified copy of an irrevocable letter of credit from a banking

institution licensed to do business in this state in an amount equal to the amount of the appropriate bond set forth in (i) of this subparagraph. Such letter of credit shall be in favor of the state for the benefit of any person injured as a result of a violation of this act; or

(iii) In lieu of furnishing the Attorney General with proof of the bond in (i) of this subparagraph or with the irrevocable letter of credit in (ii) of this subparagraph, a health spa may furnish to the Attorney General a request that it be exempt from the provisions of (i) or (ii) of this subparagraph, including documentation to establish such sufficient financial responsibility as would enable the health spa to satisfy possible claims in an amount equal to the amount that otherwise would have been required in the bond. In the event the health spa is controlled by, under common control with, or controls other corporations, and the health spa or such other corporations agree in writing to satisfy the claims in an amount equal to the amount that otherwise would have been required in the bond, then the financial responsibility of the health spa and of such other corporations may be considered by the Attorney General in determining whether to grant the request of the health spa. It shall be within the discretion of the Attorney General to determine what criteria, if any, meet the requirements of this subparagraph. It shall not be an abuse of discretion for the Attorney General to determine that a health spa or spas cannot adequately assure protection for consumers equal to that contained in the bond or in the irrevocable letter of credit;

(iv) A health spa shall be excluded from the provisions of this subparagraph requiring a bond or an irrevocable letter of credit if all payments for which the consumer is obligated at any one time, including, but not limited to, down payments, enrollment fees, membership fees, or any other direct payments to the health spa do not exceed \$100.00 and if the term of the contract, including but not limited to any complimentary, compensatory, or other extensions of the terms incident to the contract, does not exceed three months;

(v) A health spa shall also be excluded from the provisions of this subparagraph requiring a bond or an irrevocable letter of credit if it meets all of the following requirements:

(I) The written contract used contains the following clause: Under this contract, no further payments shall be due to anyone, including any purchaser of any note associated with or contained in this contract, in the event the health spa at which the contract is entered into ceases operation and fails to offer an alternative and equivalent facility located within a 5-mile radius;

(II) All payments due under the contracts must be in equal monthly installments spread over the entire term of the contract;

(III) There can be no payments of any type, including but not limited to down payments, enrollment fees, membership fees, or any other direct payment to the health spa, other than the monthly installment payments; and

(IV) There are no complimentary, compensatory, or other extensions of the terms incident to the contract;

(vi) The Attorney General is authorized to prescribe forms for the submission of information by health spas for the purpose of determining compliance with this subparagraph. Any material misrepresentation or failure to disclose material information on forms prescribed by the Attorney General shall constitute a Class A misdemeanor;

(i) In addition to any other penalties provided for in this subdivision any health spa operator violating the provisions of subparagraph (h) of this paragraph shall be guilty of a Class C felony;

(j) Every contract for health spa services shall contain a clause providing that, if the member dies during the membership term or any renewal term, his estate may cancel his contract and the health spa is entitled to a reasonable predetermined fee in such event, in addition to an amount computed by dividing the contract price for the appropriate term by the number of weeks of the term and multiplying the result by the number of weeks expired in the term. The contract may require the member's estate seeking relief under this subparagraph to provide reasonable proof of death;

(k) All moneys due the consumer under contracts canceled for the reasons contained in this paragraph shall be refunded within 30 days of receipt of such notice of cancellation; and

(l) The provisions of this subdivision shall be construed in pari materia with any and all other provisions of law relating to health studios or health studio services and specifically with Sections 8-23-1 et seq. Code of Alabama, 1975, as amended.

(28) Failure to comply with the following provisions concerning career consulting firms:

(a) A written contract shall be employed which shall constitute the entire agreement between the parties, a fully completed copy of which shall be furnished to the consumer at the time of its execution which shows the date of the transaction and the name and address of the career consulting firm;

(b) The contract or an attachment thereto shall contain a statement in boldface type which complies substantially with the following:

"The provisions of this agreement have been fully explained to me and I understand that the services to be provided under this agreement by the seller do not include actual job placement."

The statement shall be signed by both the consumer and the authorized representative of the seller;

(c) Any advertising offering the services of a career consulting firm shall contain a statement which contains the following language: "A career consulting firm does not guarantee actual job placement as one of its services.";

(d) The provisions of the subsection shall be construed in pari materia with any and all other provisions of law relating to employment agencies and specifically to Sections 34-10-1 through 34-10-5, Code of Alabama 1975, as amended. Notwithstanding anything in this act to the contrary, all such actions in violation of such federal statutes or rules shall be consumer transactions and consumer acts or practices in trade or commerce;

(22) (29) Engaging in any other unconscionable, false, misleading or deceptive act or practice in the conduct of trade or commerce."

Section 3. Code of Alabama, 1975, § 8-19-6, is hereby amended to read as follows:

"§ 8-19-6. Interpretation.

(1) It is the intent of the legislature that in construing section 8-19-5, due consideration and great weight shall be given where applicable to interpretations of the Federal Trade Commission and the federal courts relating

to Section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45a(1)) as from time to time amended.

(2) The attorney general shall have the authority to formulate rules and regulations as necessary to the administration and enforcement of this chapter. Such rules and regulations shall not be inconsistent with the rules, regulations and decisions of the Federal Trade Commission and the federal courts relating to Section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)) as from time to time amended."

Section 4. Code of Alabama, 1975, § 8-19-8, is hereby amended to read as follows:

"§8-19-8. Restraining Orders.

(a)(1) Whenever the office of the attorney general or the office of the district attorney has reason to believe that any person is engaging in, has engaged in or is about to engage in any act or practice declared to be unlawful by this chapter, the attorney general or the district attorney may bring an action in the name of the state against such person to restrain by temporary restraining order, temporary or permanent injunction such acts or practices. However, unless the attorney general or district attorney determines that a person subject to the provisions of this chapter designs quickly to depart from this state or to remove his property therefrom, or to conceal himself or his property therein, or to continue practices unlawful under this chapter, he shall before initiating any legal proceeding allow such person a reasonable opportunity to appear before the attorney general or district attorney and solve the dispute to the parties' satisfaction.

(b)(2) The court may appoint a master or receiver or order sequestration of assets whenever it shall appear that the defendant threatens or is about to remove, conceal, or dispose of his property to the damage of persons to whom restoration would be made, or whenever a person who has been ordered to make restitution under this section has failed to do so within three months after the order to make restitution has become final and nonappealable, and access the expenses of the master or receiver against the defendant.

(e)(3) Upon a showing to the court by the office of the attorney general or the office of the district attorney that a person has engaged in continuous and willful violations of the provisions of this chapter, the court may suspend or revoke any license or certificate authorizing that person to engage in business in this state or the court may enjoin any person from engaging in business in this state.

(d)(4) The penalties authorized under this section shall not apply to any person who shows by a preponderance of evidence that he had established reasonable procedures to comply with the provisions of this chapter. The court may grant such other appropriate relief as the court may determine.

(5) In the administration of this chapter the attorney general or the district attorney may accept written assurance of voluntary compliance with respect to any act or practice which allegedly violates this chapter from any person who is engaging in, has engaged in, or is about to engage in the act or practice.

(6) An assurance of voluntary compliance shall not be considered an admission of prior violation of this chapter. However, unless an assurance has been rescinded by agreement of the parties or voided by a court for

good cause, subsequent failure to comply with the terms of an assurance is prima facie evidence of a violation of this chapter.

(7) Matters closed by the filing of an assurance of voluntary compliance may be reopened upon agreement of the parties. Assurances of voluntary compliance shall in no way affect individual rights of action under this chapter, except that the rights of individuals with regard to money or property received pursuant to a stipulation in the voluntary compliance are governed by the terms of the voluntary compliance."

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective sixty days from the date of its approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Preuitt	
Amari	Denton	Goodwin	Rice	
Bedsole	Dial	Hale	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Cabaniss	Ellis	Manley	Windom	
Campbell	Figures	Mitchem		—22

Nays: —0

And said Bill, S. B. 26, as thus amended by the substitute, was read a third time at length and passed, and sent forthwith to the House upon engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Covington	Figures	Mitchem	
Amari	deGraffenried	Foshee	Preuitt	
Bedsole	Denton	Goodwin	Sanders	
Bennett	Dial	Hale	Smith (B)	
Cabaniss	Drinkard	Langford	Windom	
Corbett	Ellis	Manley		—22

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Drake:

H. 810. To create the office of Honorary Senator, Honorary Representative, and Honorary Lieutenant Governor of the State of Alabama and to provide for the requirements for holding such office.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 810—to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (RG):

H. J. R. 341. DESIGNATING A PORTION OF HIGHWAY 76 AS THE "DESOTO CAVERNS PARKWAY."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Preuitt, the Rules were suspended and the Resolution, H. J. R. 341, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 326. To create the Alabama Workmen's Compensation Self-Insurers Guaranty Association; to provide for its membership and the management of the affairs of the Board of Directors of the Association; to provide that it may assess its members to fund an insolvency fund; and to provide that the Department of Industrial Relations shall regulate the Association.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 104. To authorize any political subdivision or other entity subject to the federal Uniform Relocation Assistance and Real Property Acquisition

Policies Act of 1970, as amended, to practice certain relocation assistance and payment procedures in order to comply with said Uniform Relocation Act; and to repeal sections 23-1-200 through 23-1-209, Code of Alabama 1975, the existing "Relocation Assistance Act."

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 22. To amend further section 36-29-1 of the Code of Alabama 1975, relating to the definition of "employee" under the state employees' health insurance plan, so as to include within the definition any employee who worked at least 10 years for the state highway department in "captive county" circumstances and who was transferred to county employment upon the adoption of article 3A, chapter 1, Title 23, Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 108. To provide adequate minimum coverage for the diagnosis, treatment and rehabilitation of alcoholism and drug dependency to certain group health insurance policies, contracts and plans, which are delivered, issued for delivery, renewed or used in this state and employee health and welfare plans or trusts, and repeals Section 27-20A-1 through 27-20A-4, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 14; Nays 13.

Yeas:

Senators:	Corbett	Figures	Parsons	
Bedford	Covington	Goodwin	Preuitt	
Bedsole	Dial	Hale	Smith (J)	
Bennett	Drinkard	Langford		—14

Nays:

Senators:	Campbell	Foshee	Mitchem	
Amari	deGraffenried	Hand	Smith (B)	
Bailey	Denton	Manley	Windom	
Cabaniss	Ellis			—13

RESOLUTIONS

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 205. DESIGNATING SEPTEMBER 24, 1989, AS "UNITED STATES MARSHALS BICENTENNIAL DAY."

WHEREAS, the office of United States Marshal was created by Act of the First Congress which became law on September 24, 1789; and

WHEREAS, for more than a century after the establishment of the United States Government in 1789, United States Marshals provided the only nationwide civilian police power available to the President, Congress, and the Courts; and

WHEREAS, United States Marshals have played a crucial role in most of the major episodes in America's history, from the Whiskey Rebellion of 1794, to the Reconstruction Era following the Civil War and the enforcement of the Civil Rights Acts of the 1960's; and

WHEREAS, more than 300 United States Marshals and Deputy Marshals have given their lives in the course of carrying out their law enforcement responsibilities; and

WHEREAS, United States Marshals and their Deputies are today charged with responsibilities essential to the operation of the federal justice system, including the provision of security for the federal courts and the protection of judicial officers, the pursuit and arrest of fugitives from justice, the enforcement of the orders of the Court, and the management of seized criminal assets; and

WHEREAS, through their consistent and tenacious dedication to duty since 1789, United States Marshals and their Deputies have made and continue to make immeasurable contributions to the rule of law and the protection of human rights through law in the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That September 24, 1989, is designated as "United States Marshals Bicentennial Day," and we call upon the people of the great State of Alabama to observe that day with appropriate ceremonies and activities.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Langford offered the following Senate Resolution, to-wit:

S. R. 206. COMMENDING MARGARET R. EPHRAIM MCNEIL ON OUTSTANDING ACHIEVEMENTS AND SERVICE.

Which was filed.

MOTION TO RECONSIDER

Senator Parsons moved that the Senate reconsider the vote by which the Bill, S. B. 108, was passed.

On motion of Senator Corbett, said motion to reconsider was laid on the table.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 500. To make a certain appropriation from the state general fund to a special trust account in the state treasury, to initially establish and to recapitalize economic development revolving loan funds that regional planning and development commissions may draw upon for monies to facilitate access

to available federal funds or foundation grants that could provide capital for economic development projects; to provide for a permanent regional revolving loan funds legislative oversight committee to make allocations from said trust account to the revolving loan funds of the several regional planning and development commissions throughout the state; to prescribe the compensation of such legislative oversight committee; to authorize said committee along with the executive directors of certain regional planning and development commissions to promulgate and implement administrative rules and procedures for the administration of such revolving loan funds and to provide that the legislature shall make an appropriation in the general fund budget each fiscal year after 1989-90 to such trust account.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 16; Nays 2.

Yeas:

Senators:	Cabaniss	Denton	Mitchem	
Amari	Campbell	Foshee	Preuitt	
Bailey	Corbett	Goodwin	Smith (B)	
Bedford	deGraffenried	Langford	Windom	
Bennett				—16

Nays:

Senators:	Hale	Manley	—2
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MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 114. To provide, in the absence of written objection from the superintendent of the state banking department, for the transfer of fiduciary accounts from one bank, trust company or trust department to a related bank, trust company or trust department with provisions requiring notice to certain beneficiaries and to the probate court, to provide a procedure for beneficiaries who object to the transfer, and provide for an alternative procedure which creates an agency relationship between related banks.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 402. To amend Sections 13A-8-80, 13A-8-81, 13A-8-82, 13A-8-83, 13A-8-84 and 13A-8-86, Code of Alabama 1975, which prohibit the copying and sale of certain recorded devices, so as to further prohibit such copying and sales and to increase the penalties for violations.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 150. To provide for the exchange of sales tax information with the federal government and other states' agencies with which the State of Alabama has a reciprocal exchange arrangement.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem
Amari	Covington	Hale	Preuitt
Bedford	deGraffenried	Hand	Sanders
Bennett	Denton	Langford	Smith (B)
Cabaniss	Ellis	Manley	Windom
Campbell	Foshee		

—21

Nays:

—0

THE BILL:

S. 359. Relating to gas and oil; amending Section 9-17-13 of the Code of Alabama 1975, so as to provide further for the integration, pooling, cycling, repressuring, pressure maintenance or secondary recovery on gas and oil wells.

was taken up.

On motion of Senator Goodwin, further consideration of the Bill, S. B. 359, was postponed subject to the call of the Chair.

THE BILL:

S. 421. To further provide for the labeling of certain containers of alcoholic beverages by any manufacturer, importer or wholesaler licensee, required by Section 28-3-187 of the Code of Alabama 1975, as amended, so as to remove any such labeling of containers by certain licensees of fortified wine or vinous liquor, as defined by Section 28-3-1(32), Code of Alabama 1975, which section defines certain alcoholic beverage licensing code terms; to specifically provide that any such licensees shall not be exempted from the payment of any legally owed taxes or charges of the state; and to repeal conflicting laws.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 2.

Yeas:

Senators:	Campbell	Foshee	Mitchem
Amari	Covington	Goodwin	Preuitt
Bailey	deGraffenried	Hale	Sanders
Barron	Denton	Hand	Smith (B)
Bedford	Drinkard	Langford	Smith (J)
Cabaniss	Ellis	Manley	

—22

Nays:

Senators:	Bennett	Windom	—2
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THE BILL:

H. 35. To provide, in the absence of written objection from the superintendent of the state banking department, for the transfer of fiduciary accounts from one bank, trust company or trust department to a related bank, trust company or trust department with provisions requiring notice to certain beneficiaries and to the probate court, to provide a procedure for beneficiaries who object to the transfer, and provide for an alternative procedure which creates an agency relationship between related banks.

was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley	
Amari	Corbett	Foshee	Preuitt	
Bailey	Covington	Goodwin	Sanders	
Barron	deGraffenried	Hale	Smith (B)	
Bedford	Denton	Hand	Smith (J)	
Bennett	Drinkard	Langford	Windom	
Cabaniss				—24

<i>Nays:</i>	—0
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MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 9. To establish an asbestos contractor accreditation plan for Alabama in compliance with Title II, Section 206 of the Toxic Substances Control Act of the United States (15 U.S.C.A. §2646); to designate the Safe-State Program, a division of the University of Alabama, as the state agency to administer the plan; to provide the agency certain powers and authority; and to require certain notification and documentation of accreditation of asbestos contractors to the Alabama Department of Environmental Management.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 349. To amend Section 5-19-31, Code of Alabama 1975, so as to confirm and clarify existing law that the provisions of Title 5, Chapter 19, other than the provisions of Section 5-19-1(1) and Section 5-19-3, do not apply to any loan, forbearance, credit sale, lease or other transaction that is not a consumer transaction, or to any transaction by a trust institution under any plan or agreement qualified under 26 USC 401(a) or defined by 5 USC 8437, 26 USC 403(b) or 26 USC 457 or a trust exempt under 26

USC 501; to provide further limitations upon the effect of Chapter 19 in amending or repealing other laws; to provide for the purpose of this Act; to provide for severability of the provisions of this Act; and to provide for an effective date.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Preuitt
Barron	deGraffenried	Hale	Sanders
Bennett	Denton	Hand	Smith (B)
Cabaniss	Drinkard	Langford	Smith (J)
Campbell	Ellis	Manley	Windom
Corbett	Foshee	Mitchem	

—22

Nays: —0

RESOLUTION

Senator Ellis offered the following Senate Joint Resolution, to-wit:

S. J. R. 207. NAMING THE VOCATIONAL EDUCATION BUILDING AT MONTEVALLO HIGH SCHOOL, MONTEVALLO, ALABAMA, IN HONOR OF MELTON D. "MOON" THORNTON.

WHEREAS, as a professional teacher of Vocational Agriculture for forty-one and one-half years, Melton D. "Moon" Thornton has devoted his life to education and counseling young people; and

WHEREAS, Mr. Thornton developed a model program of vocational agriculture at Montevallo High School where he was the first teacher of vocational agriculture to occupy and use the school's vocational education building; and

WHEREAS, the City of Montevallo donated the money to purchase the land on which the vocational education building was built and now stands, and Mr. Thornton taught in this building until his retirement in 1975; and

WHEREAS, Mr. Thornton served in numerous educational and leadership capacities throughout Alabama and served as president of the Lauderdale County Teachers Association, Shelby County Teachers Association, Alabama Vocational Association and the Alabama Agriculture Teachers Association; and

WHEREAS, Mr. Thornton also is the recipient of a number of honors and recognitions including the Thor Research Certificate of Merit and the Outstanding Agribusiness Teacher Award; and

WHEREAS, Mr. Thornton's untiring devotion to vocational education has brought favorable statewide attention to the Montevallo area, and it is therefore the desire of the Montevallo City Council that the vocational education building at Montevallo high School be named in honor of Melton D. "Moon" Thornton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and recognition of outstanding service and contributions to vocational education, and in particular gratitude for his loyal and lengthy tenure as teacher of Vocational

Agriculture at Montevallo High School, we hereby name and designate the vocational education building at Montevallo High School, Montevallo, Alabama, as the "Melton D. 'Moon' Thornton Building."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so identifying the "Melton D. 'Moon' Thornton Building."

RESOLVED FURTHER, That Mr. Thornton receive a copy of this resolution as a memento of this honorary designation of the Legislature.

On motion of Senator Ellis, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 118. To amend Sections 29-2-4 and 29-2-6, Code of Alabama 1975, as amended, relating to the powers and duties of the joint highway committee and the duties of the highway department with respect to such committee, so as to further provide therefor, the long-range planning responsibilities and the department's utilization of federal and state funds.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Preuitt
Amari	Campbell	Foshee	Rice
Bailey	Corbett	Hale	Sanders
Barron	Covington	Hand	Smith (B)
Bedford	deGraffenried	Langford	Windom
Bennett	Denton	Manley	

—22

Nays:

—0

THE BILL:

S. 317. To provide that under certain circumstances a person who parks, stands, or operates a motor vehicle in a privately owned parking area provided for the use of customers, commits the offense of criminal trespass by motor vehicle and to provide criminal penalties.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 317, to-wit:

AMENDMENT TO S. B. 317

Amend S. B. 317, Page 1, Line 28, as follows:

After the word "owner" wherever it appears in Line 28, add "of the property".

And further amend S. B. 317, on Page 2, Line 29, after the word "a", add "Class C".

Which was adopted.

REGULAR SESSION
24th Day

1891

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Corbett	Hale	Preuitt	
Bailey	Covington	Hand	Smith (B)	
Barron	Denton	Langford	Smith (J)	
Bedford	Drinkard	Manley	Windom	
Bennett	Foshee			—21

Nays: —0

And said Bill, S. B. 317, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Amari	Corbett	Goodwin	Rice	
Bailey	Covington	Hale	Sanders	
Barron	Denton	Hand	Smith (B)	
Bedford	Drinkard	Langford	Smith (J)	
Bennett	Ellis	Manley	Windom	
Cabaniss				—24

Nays: —0

THE BILL:

H. 88. To appropriate from the General Fund the sum of \$1,000,000 during the fiscal year 1988-1989, to the Department of Agriculture and Industries Agricultural Development Services program which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication.

was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Preuitt	
Amari	Corbett	Hale	Rice	
Bailey	Covington	Hand	Sanders	
Barron	Denton	Langford	Smith (B)	
Bedford	Drinkard	Manley	Smith (J)	
Bedsole	Ellis	Mitchem	Windom	
Bennett				—24

Nays: —0

THE BILL:

S. 303. Restructuring the office and compensation of, and certain powers, functions and responsibilities of the commissioner of insurance and the department of insurance, so as to make such commissioner an elected officer of the state and providing that the annual salary of such official shall be

made similar to certain total compensation of certain public service commissioners; extensively revising the rate-making procedures and processes; making available to the public certain statistics, documents and data, involving certain insurance rates, requiring certain minimal data in the annual reports of insurers; providing further for the conduct of the hearing procedures and processes, notices and appeals incident thereto relating to rates; increasing certain misdemeanor penalties to felony offenses; any laws or part of laws in direct conflict herewith are repealed only to the extent there is a direct conflict with the provisions of this act; and the following sections of the Code of Alabama 1975, as amended, are further amended: Sections 27-2-2 and 27-2-4, Code of Alabama 1975, as amended, relating to the filling of the office and salary of the commissioner of insurance, so as to provide further therefor; and amending Section 27-3-26, relating to annual statements, so as to provide further therefor; amending Section 27-13-66, Code of Alabama 1975, as amended, relating to rates and rate-making organizations and statistical reporting, so as to prohibit the keeping of certain reasonable information from public scrutiny; amending Section 27-13-68, Code of Alabama 1975, as amended, relating to orders, rules and regulations affecting rates and appeals therefrom, so as to provide further therefor; repealing Section 27-13-71, relating to alteration, supplementation, and amendment of rating plans; repealing Section 27-13-72, relating to applications for uniform percentage increases or decreases in rates by insurers; repealing Section 27-13-80, relating to notices, hearing, and orders of the commissioner; and by amending Sections 27-13-81 and 27-13-83, relating to rates, rating organizations, and notices, hearings, procedures for review of orders and penalties for violations of orders, so as to further provide for the procedures, notice requirements, the bonding requirements; and increasing the penalties for violations to a felony crime.

was taken up.

On motion of Senator Goodwin, further consideration of the Bill, S. B. 303, was postponed subject to the call of the Chair.

THE BILL:

S. 682. To provide for the creation of a public corporation to be known as the "Alabama Supercomputer Authority" for the purpose of acquiring, developing and administering a state-wide supercomputer and related telecommunications system for use by governmental agencies, educational institutions and private-sector businesses and industries; to provide a procedure for incorporation; to provide for the management of the public corporation by a board of directors; to confer upon the public corporation certain powers and authorities; to provide for the appointment of a chief executive officer and staff; that the Authority will retain no intellectual property rights in products, processes, etc., developed through utilization of the system; to provide for the privacy, security and confidentiality of data maintained in the system; to transfer certain assets to the Authority; to provide for the collection and use of funds by the Authority; to provide for the tax-exempt treatment of the Authority and require it to operate as a nonprofit corporation; and to provide for the dissolution of the Authority.

was taken up.

On motion of Senator Smith (B), further consideration of the Bill, S. B. 682, was postponed subject to the call of the Chair.

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THE BILL:

S. 399. To amend §§16-25-3 and 36-27-4, Code of Alabama 1975, which prohibits participation in the Teachers' or Employees' Retirement System of Alabama by persons age 61 or older; to further provide that a member of the Teachers' Retirement System or the Employees' Retirement System who was prohibited from participating in his respective retirement system because such member was age 61 or older at the time of employment may purchase credit for such service.

was taken up.

On motion of Senator Campbell, further consideration of the Bill, S. B. 399, was postponed subject to the call of the Chair.

THE BILL:

H. 338. To provide that in addition to the definitions and authorizations contained in Sections 27-17-16, 27-30-1, 27-30-31, 27-30-33 and 27-36-7 of the Code of Alabama 1975, mutual aid associations may provide insurance policies and contracts as are authorized for domestic life and disability insurers in chapter 3 of Title 27 of the Code of Alabama 1975, subject to the paid-in capital restrictions upon policy or contract limits.

was taken up.

The Standing Committee on Banking and Insurance reported the following amendment to the Bill, H. B. 338, to-wit:

AMENDMENT TO H. B. 338

Amend H. B. 338 on Page 1, Lines 15 and 16, by striking out after the words "subject to the" the following:

~~"paid in capital restrictions upon policy or contract limits."~~ and inserting in lieu thereof, the following:

"limits on the size and types of risks to be insured as stated in Section 27-30-15 and Section 27-30-6.1."

Further amend H. B. 338 on Page 1, Lines 28 and 29, by striking out, after the words: "subject to the" the following:

~~"paid in capital restrictions upon policy or contract limits."~~ and inserting in lieu thereof, the following:

"limits on the size and types of risk to be insured as stated in Section 27-30-15 and Section 27-30-6.1"

Further amend H. B. 338, on Page 2, Line 5, by striking out the following:

~~"paid in capital restrictions upon policy or contract limits."~~ and inserting in lieu thereof, the following:

"limits on the size and types of risks to be insured as stated in Section 27-30-15 and Section 27-30-6.1."

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Barron	Covington	Hale	Rice	
Bedford	deGraffenried	Hand	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Cabaniss	Foshee	Manley	Windom	
Campbell				—20

Nays: —0

And said Bill, H. B. 338, as thus amended, was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Rice	
Bailey	Campbell	Goodwin	Sanders	
Barron	Corbett	Hale	Smith (B)	
Bedford	Covington	Hand	Smith (J)	
Bedsole	Denton	Langford	Windom	
Bennett	Ellis			—21

Nays: —0

Senator Corbett requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 46. To provide for the regulation of the practice of occupational therapy; to provide for a short title, a declaration of purpose and definitions in regard to regulations; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to provide for an effective date; and to provide for other matters relative to the foregoing.

On motion of Senator Corbett, further consideration of the Bill, S. B. 46, was postponed subject to the call of the Chair.

Senator Barron requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit;

S. 60. To amend section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating such services.

On motion of Senator Barron, further consideration of the Bill, S. B. 60, was postponed subject to the call of the Chair.

THE BILL:

S. 364. To provide for the "Alabama Safety Belt Use Act of 1987"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following substitute for the Bill, S. B. 364, to-wit:

SUBSTITUTE FOR S. B. 364

**A BILL
TO BE ENTITLED
AN ACT**

To provide for the "Alabama Safety Belt Use Act of 1989"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Alabama Safety Belt Use Act of 1989."

Section 2. For purposes of this act, the term "passenger car" means a motor vehicle with motive power designed for carrying ten or fewer passengers. Such term does not include a motorcycle or a trailer.

Section 3. The legislature finds that it is the policy of the State of Alabama that all precautionary measures be taken to save the lives of the state's citizens from vehicle accidents and thereby, to preserve the most valuable resource of the state.

Section 4. (a) Each front seat occupant of a passenger car manufactured with safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208 shall have a safety belt properly fastened about his body at all times when the vehicle is in motion.

(b) The provisions of subsection (a) of this section shall not apply to:

(1) A child passenger using a child passenger restraint system pursuant to section 32-5-222, Code of Alabama 1975.

(2) An occupant of a passenger car who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety belt.

(3) A rural letter carrier of the United States Postal Service while performing his duties as a rural letter carrier.

(4) A driver or passenger delivering newspapers or mail from house to house.

(5) Passengers in a passenger car with a model year prior to 1965.

(6) Passengers in motor vehicles which normally operate in reverse.

Section 5. Any person violating the provisions of this act may be fined up to \$20.00. The violation of the provisions of this act shall not constitute probable cause for search of the vehicle involved.

Section 6. Notwithstanding any provision of law to the contrary, no citation or warrant for arrest shall be issued for a violation of this act unless a person is stopped by a law enforcement officer for a separate violation of law and is issued a citation or warrant for arrest for the separate violation of law.

Section 7. Failure to wear a safety belt in violation of this act shall not be considered evidence of contributory negligence and shall not limit the liability of an insurer, nor shall the conviction be entered on the driving record of any individual charged under the provisions of this act.

Section 8. The period from the effective date of this act until twelve months thereafter shall be a warning period in which persons who violate the provisions of this act shall be issued a verbal warning or warning citation by the proper law enforcement officer, but no monetary fine shall be assessed against the offender. At the conclusion of the said warning period, all provisions of this act shall be in full force and effect.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the substitute for the Bill, S. B. 364, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 364

On page 1, lines 22 and 23, delete all the language and insert in lieu thereof:

Section 1. This Act shall be known and may be cited as the "Earl Goodwin Act."

Which was adopted.

Senator Bedford offered the following amendment to the substitute as amended for the Bill, S. B. 364, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 364

Amend the substitute, as amended, for Senate Bill No. 364 Page 2 Line 23, as follows:

Strike out "20.00" and insert thereto the following "\$200.00"

On motion of Senator Goodwin, the Rules were suspended to postpone the Bill, S. B. 364, and pending substitute, as amended, and pending amendment until Senator Dial returns to the Chamber today.

THE BILL:

S. 465. To provide for the incorporation of the Alabama State Parking Deck Authority; to provide for the Authority's members, officers and directors; to empower the Authority to acquire and hold title to real and personal property and to sell, convey or lease that property; to provide for the leasing of facilities owned by the Authority to certain entities; to empower the Authority to sell and issue its notes, bonds and refunding bonds, to grant mortgages upon, and security interests in its facilities and to pledge for payment of its notes, bonds and refunding bonds the rents and revenues from such facilities, the proceeds from the sale of such facilities, unexpended note or bond proceeds, insurance proceeds and/or mortgage or security interests in the Authority's facilities; to confer on the Authority the same power of eminent domain as that possessed by the state; to provide for temporary loans in anticipation of the issuance of bonds; to provide for the disposition of proceeds from the sale of bonds or refunding bonds issued by the Authority; to exempt from taxation the income and property of the Authority, all lien notices with respect thereto, the interest on the notes and bonds of the Authority and all purchases and uses of property by the Authority; to provide that venue for any action arising out of this act shall be in the circuit court of Montgomery County, Alabama; to provide for dissolution of the Authority; to exempt leases of the Authority from the competitive bid law; to exempt the Authority from the Sunset Law; to provide that the provisions of this act are severable; and to provide an effective date.

was taken up.

Senator Dial offered the following substitute for the Bill, S. B. 465, to-wit:

SUBSTITUTE FOR S. B. 465

**A BILL
TO BE ENTITLED
AN ACT**

To provide for the incorporation of the Alabama State Parking Deck Authority; to provide for the Authority's members, officers and directors; to empower the Authority to acquire and hold title to real and personal property and to sell, convey or lease that property; to provide for the leasing of facilities owned by the Authority to certain entities; to empower the Authority to sell and issue its notes, bonds and refunding bonds, to grant mortgages upon, and security interests in its facilities and to pledge for payment of its notes, bonds and refunding bonds the rents and revenues from such facilities, the proceeds from the sale of such facilities, unexpended note or bond proceeds, insurance proceeds and/or mortgage or security interests in the Authority's facilities; to confer on the Authority the same power of eminent domain as that possessed by the state; to provide for temporary loans in anticipation of the issuance of bonds; to provide for the disposition of proceeds from the sale of bonds or refunding bonds issued by the Authority; to exempt from taxation the income and property of the Authority, all lien notices with respect thereto, the interest on the notes and bonds of the Authority and all purchases and uses of property by the Authority; to provide that venue for any action arising out of this act shall be in the circuit courts of the State; to provide for dissolution of the Authority; to exempt leases of the Authority from the competitive bid law; to exempt the Authority

from the Sunset Law; to provide that the provisions of this act are severable; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definitions. For the purposes of this act, the following terms shall have the meanings respectively ascribed to them by this section:

“Authority” shall mean the public corporation organized pursuant to the provisions of this act.

“Code” shall mean the Code of Alabama 1975, as amended.

“Refunding Bonds” shall mean those refunding bonds issued under the provisions of Section 13 of this act.

“State” shall mean the State of Alabama.

“Bonds” shall mean those bonds, including without limitation Refunding Bonds, issued under the provisions of this act.

“Facilities” shall mean multi-storied vehicle parking and storage facilities, including, without limitation, offices, warehouses, garages, storage facilities and any other facilities deemed appropriate and useful by the Authority.

Section 2. Purpose of Act and Construction Thereof. It is the intent of the Legislature, by the passage of this act, to authorize the incorporation of a public corporation for the purposes of acquiring land, constructing and equipping facilities, leasing such facilities to state agencies (or others, to the extent provided for herein), and providing financing therefor, and to vest such corporation with all powers, authority, rights, privileges and titles that may be necessary to enable it to accomplish such purposes. This act shall be liberally construed in conformity with the purpose herein stated.

Section 3. The State Finance Director, the State Budget Officer and one person appointed by the Governor, two persons appointed by the Speaker of the House and two persons appointed by the Lieutenant Governor, may become a public corporation with the power and authority provided in this act by proceeding according to the provisions hereof. Those persons appointed by the Governor, Lieutenant Governor and Speaker of the House shall serve at the pleasure of the official appointing them and until their replacements have been appointed.

Section 4. Application for Certificate of Incorporation. To become a corporation, the individuals selected pursuant to Section 3 hereof shall present to the secretary of state of Alabama an application signed by them which shall set forth:

(1) The name and residence of each of the applicants, together with a certified copy of all documents evidencing each applicant's selection or the office he holds;

(2) The name of the proposed corporation, which shall be the “Alabama State Parking Deck Authority”;

(3) The location of the principal office of the proposed corporation; and

(4) Any other matter relating to the incorporation of the proposed corporation which the applicants may choose to insert and which is not inconsistent with this act.

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The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgements to deeds. The secretary of state shall examine the application, and if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. Certificate of Incorporation. When the application has been made, filed and recorded as provided in Section 4 hereof, the secretary of state shall make and issue to the applicants a certificate of incorporation pursuant to this act, under the great seal of the state, and shall record the certificate with the application, whereupon the applicants shall constitute a public corporation of the state under the name proposed in the application.

Section 6. Members; Officers; Directors; Quorum; Vacancies; Salaries. The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The members shall be eligible to succeed themselves. The members shall select from among themselves a president of the Authority, a secretary of the Authority and a treasurer of the Authority. The members of the Authority shall constitute all the members of the board of directors of the Authority, which shall be the governing body of the Authority. A majority of the members of the said board of directors shall constitute a quorum for the transaction of business. No member, officer or director of the Authority shall draw any salary for any service he may render or for any duty he may perform in connection with the Authority, but may be reimbursed by the Authority for reasonable expenses incurred in carrying out the business of the Authority. No member, officer, director or employee of the Authority shall be personally liable for any debt, obligation or liability of the Authority.

Section 7. Resolutions and Proceedings of Board of Directors. All resolutions adopted by the board of directors shall constitute actions of the Authority, and all proceedings of the board of directors shall be reduced to writing by the secretary of the Authority, shall be signed by the members of the Authority and shall be recorded in a substantially bound book and filed in the office of the secretary of state. Copies of such proceedings, when certified by the secretary of the Authority under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 8. Powers—Generally. The Authority shall have the following powers among others specified in this act:

(1) To have succession in its corporate name until the principal of and interest on all bonds issued by it shall have been fully paid and until it shall have been dissolved as provided herein;

(2) To maintain actions and have actions maintained against it and to prosecute and defend in any court having jurisdiction of the subject matter and of the parties thereof;

(3) To have and to use a corporate seal and to alter such seal at pleasure;

(4) To establish a fiscal year;

(5) To acquire and hold title to real and personal property and to sell, convey, mortgage or lease the same as provided in this act;

(6) To provide for the construction, reconstruction, alteration and improvement of facilities and for the procurement of sites and equipment for such facilities and for the lease thereof;

(7) To lease facilities to the state, or any agency or instrumentality of the state;

(8) To anticipate by the issuance of its bonds, subject to the provisions of this act, the receipt of the rent and revenues from such facilities;

(9) As security for the payment of the principal of and interest on its bonds, to enter into any lawful covenant, to grant mortgages upon or security interests in its facilities and to pledge the rents and revenues from such facilities;

(10) To appoint a bank or savings and loan association as a depository for funds of the Authority;

(11) To invest as provided in this act the proceeds from the sale of its bonds pending need therefor;

(12) To appoint and employ such attorneys, agents and employees as the business of the Authority may require, subject to the merit system where applicable; and

(13) To perform such other acts and duties as are necessary to carry out the provisions of this act.

Section 9. Temporary Loans in Anticipation of Issuance of Bonds. In anticipation of issuance of bonds under this act, the Authority may, from time to time, borrow such sums as may be needed for any of the purposes for which bonds are authorized to be issued under this act, and in evidence of the moneys so borrowed may issue its promissory notes. The principal of and the interest on notes so issued may, from time to time, be refunded by refunding notes or by bonds in anticipation of the issuance of which such notes were issued. All such notes, whether initial issues or refunding issues, may bear interest from their dates until their maturities at such rate or rates as may be deemed acceptable by the board of directors, not to exceed 15 percent per annum, shall mature within three years from their date, and the principal thereof, premium, if any, and interest thereon shall be payable solely from the proceeds of the refunding notes issued to refund any such notes outstanding, the proceeds from the sale of bonds in anticipation of the issuance of which any such notes were issued and the sources from which bonds may be made payable pursuant to Section 20 of this act, all as may be provided in the resolution of the board of directors under which such notes may be issued.

Section 10. Execution of Bonds and Notes. The bonds and notes of the Authority shall be executed by the manual or facsimile signature of either its president or its treasurer, as shall be provided in the resolution under which such securities shall be issued, and the seal of the Authority or a facsimile thereof shall be affixed to any bonds so issued and attested by the manual or facsimile signature of its secretary; provided, that if bonds are executed entirely by facsimile, such bonds shall be authenticated by the manual signature of the bond trustee, registrar or paying agent. If, after any of the bonds shall be so signed, whether manually or by facsimile, any such officer shall for any reason vacate his said office, the bonds so signed may nevertheless be delivered at any time thereafter as the act and deed of the Authority.

Section 11. Bonds—Authorization. For the purpose of providing funds for the acquisition of sites, for the construction, reconstruction, alteration and improvement of facilities, for the procurement and installation of equipment therefor and for payment of obligations incurred and the principal of and interest on any temporary loans made for any of the said purposes, the Authority is hereby authorized, from time to time, to sell and issue its bonds (other than Refunding Bonds) in such aggregate principal amounts as may be determined by the board of directors of the Authority to be necessary for the said purposes.

Section 12. Sale and Issuance of Refunding Bonds. The Authority may, from time to time, sell and issue its Refunding Bonds for the purpose of refunding any matured or unmatured bonds of the Authority at the time outstanding and paying any premiums necessary to be paid to redeem any such bonds so to be refunded and all expenses incurred in connection therewith. Such Refunding Bonds shall be subrogated and entitled to all priorities, rights and pledges to which the bonds refunded thereby were entitled.

Section 13. Specifications and Priority of Bonds. Any bonds of the Authority may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest, fixed or floating, payable and evidenced in such manner, may contain provisions for redemption prior to maturity and may contain other provisions not inconsistent with this section, all as may be provided by the resolution of the board of directors whereunder such bonds are authorized to be issued; provided that no bond of the Authority shall have a specified maturity date later than 30 years after its date. In the event that the Authority shall make more than one pledge of the same revenues, such pledges shall, unless otherwise provided in the resolution or resolutions authorizing the earlier issued bonds, take precedence in the order of the adoption of the resolutions in which the pledges are made; provided, that each pledge for the benefit of Refunding Bonds shall have the same priority as the pledge for the benefit of the bonds refunded thereby.

Section 14. Sale. Bonds of the Authority may be sold at such price or prices and at such time or times as the board of directors of the Authority may consider advantageous, at public or private sale. If bonds are to be sold by competitive bid on sealed bids or at public auction, the bonds may be sold only to the bidder whose bid reflectd the lowest effective borrowing cost to the Authority for the bonds being sold; provided, that if no bid acceptable to the Authority is received, it may reject all bids. Notice of each such sale by competitive bids shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State of Alabama, each of which notices must be published at least one time not less than 10 days before the date fixed for such sale. The board of directors may fix the terms and conditions under which such sale by competitive bids may be held; provided that such terms and conditions shall not conflict with any of the requirements of this act. The Authority may pay out of the proceeds of the sale of its bonds all expenses, including publication and printing charges, fiscal agents' fees, attorneys' fees and other expenses which said board of directors may deem necessary and advantageous in connection with the authorization, advertisement, sale, execution and issuance of such bonds. Neither a public hearing nor consent of the state shall be a prerequisite to the issuance or sale of bonds by the Authority.

Section 15. Bonds of Authority Eligible for Investment of Trust Funds. Any trust fund, where the investment thereof is permitted or required by law, may be invested in bonds issued by the Authority. Unless otherwise directed by the court having jurisdiction thereof or the document which is the source of authority, a trustee, executor, administrator, guardian or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in the bonds of the Authority.

Section 16. Security for Deposit of Governmental Funds. Any bonds issued by the Authority may be used by the holders thereof as security for deposits of any funds belonging to the state or to any instrumentality, agency or political subdivision of the state in any instance where security for such deposits may be required or permitted by law.

Section 17. Disposition of Proceeds of Bonds.

(a) All proceeds derived from the sale of any bonds, except Refunding Bonds, sold by the Authority, remaining after payment of the expenses of issuance thereof, shall be held by the Authority and used solely for the purposes of:

(1) Acquiring land for and constructing, reconstructing and equipping thereon one or more facilities;

(2) Paying all reasonable and necessary expenses incidental thereto, including filing, recording, surveying, legal and engineering fees and expenses;

(3) Paying the interest which will accrue on the said bonds during the period required for the construction and equipment of the said facilities and for a period not exceeding six months after the completion thereof; and

(4) Paying the principal of and interest on all then outstanding notes theretofore issued by the Authority pursuant to the provisions hereof.

The balance of the said proceeds thereafter remaining shall be set aside as additional security for the bonds or shall be used to pay, purchase or redeem bonds as may be provided in the proceedings authorizing their issuance.

(b) All proceeds from the sale of Refunding Bonds issued by the Authority that remain after paying the expenses of their issuance may be used only for the purpose of refunding the principal of and any unpaid and accrued interest on the outstanding bonds of the Authority for the refunding of which the Refunding Bonds are authorized to be issued, together with any premium that may be necessary to be paid in order to redeem or retire such outstanding bonds.

Section 18. Investment of Proceeds. Any portion of the principal proceeds derived from the sale of the bonds which the board of directors of the Authority may determine is not then needed for any of the purposes for which the bonds are authorized to be issued shall, on order of the Authority, be invested in such manner as the board of directors of the Authority shall direct in any securities which are direct and general obligations of the United States of America or the principal of and interest on which are unconditionally and irrevocably guaranteed by the United States of America, or in certificates of deposit insured by an agency of the United States. Any such securities may, at any time and from time to time on order of the Authority, be sold or otherwise converted into cash. The income derived

from any such investments shall be disbursed on order of the Authority for any purpose for which it may lawfully expend funds.

Section 19. Security. The principal of, premium, if any, and interest on the bonds of the Authority shall be secured by any or all of the following, as the Authority may determine:

(1) The rent and revenues from the lease or use of one or more facilities of the Authority;

(2) The proceeds from any sale of any facilities of the Authority;

(3) Any bond proceeds remaining unexpended upon completion of all facilities to be constructed with such bond proceeds and the payment of the cost thereof;

(4) Any insurance proceeds which the Authority may receive by reason of its ownership of any of the facilities; and

(5) Any mortgage upon or security interest in one or more facilities of the Authority, granted in connection with the issuance of such bonds.

The Authority shall have authority to transfer and assign any lease or mortgage of any of its facilities as security for the payment of such principal, premium, if any, and interest. The bonds may be issued under, and secured by, a resolution which may, but need not, provide for an indenture of trust covering one or more facilities of the Authority. Such resolution or such indenture of trust may contain any provision or agreement customarily contained in instruments securing evidences of indebtedness, including, without limiting the generality of the foregoing, provisions respecting the collection and application of any receipts pledged to the payment of bonds, the terms to be incorporated in lease agreements respecting the facilities, the maintenance and insurance thereof, the creation and maintenance of reserve and other special funds from such receipts and the rights and remedies available in the event of default to the holders of the bonds or to the trustee for the holders of the bonds or under any indenture of trust, all as the Authority may deem advisable and as shall not be in conflict with the provisions of this act; provided, however, that in making such agreements or provisions the Authority shall not have the power to obligate itself except with respect to its facilities, and the application of the rents, revenues and other moneys and assets which it is authorized in this act to pledge.

Section 20. Enforcement Upon Default. If there be any default by the Authority in the payment of the principal of or interest on the bonds or in any of the agreements on the part of the Authority which may properly be included in any resolution or indenture of trust securing such bonds, any holder of any of the bonds or the trustee for the bondholders under any resolution or indenture of trust, if so authorized therein, may, by an action, mandamus or other proceedings, enforce payment of such items and foreclosure upon any mortgage or security interest granted as security for such bonds and compel performance of all duties of the directors and officers of the Authority and shall be entitled, as a matter of right and regardless of the sufficiency of any such security or the availability of any other remedy, to the appointment of a receiver with all the power of such receiver for maintenance, insurance and leasing of the facilities and property covered by such resolution or such indenture of trust and the collection and application of the receipts therefrom. Any such resolution or indenture of trust may contain provisions regarding the rights and remedies of any trustee thereunder

and the holders of the bonds and may contain provisions restricting the individual rights of action of the holders of the bonds.

Section 21. Bonds and Coupons Deemed Negotiable Instruments. All bonds issued by the Authority, while not registered, shall be construed to be negotiable instruments even though they are payable from a limited source. All coupons applicable to any bonds issued by the Authority, while the applicable bonds are not registered as to both principal and interest, shall likewise be construed to be negotiable instruments although payable from a limited source.

Section 22. Obligations, Bonds and Notes Not Debt of State. All obligations incurred by the Authority and all bonds and notes issued by it shall be solely and exclusively an obligation of the Authority, payable solely from the sources which may under the provisions of this act be pledged to the payment thereof. No obligation incurred by the Authority and no bond or note issued by it shall create an obligation or debt of the state.

Section 23. The Governor of Alabama or the officers of any public corporation, as appropriate, are authorized and directed to execute and deliver immediately before or simultaneously with the issuance of the first block of the securities of the corporation contemplated by this Act appropriate deeds conveying to the corporation the title to any property in the State of Alabama. The consideration for said conveyances shall be the corporation's undertaking to reconvey said land with improvements free of charge to the State immediately before the dissolution of the corporation. Since the land would otherwise remain unimproved, said consideration is hereby conclusively determined to be valuable, adequate and fair. Immediately prior to its dissolution the corporation shall also convey to the State any other lands acquired for construction of buildings thereon whether by purchase, gift, grant, or otherwise provided the terms of the grant are not violated thereby.

Section 24. Facilities—Construction. All facilities constructed by the Authority shall be constructed according to plans and specifications of architects or engineers, or both, selected by the Authority. Such plans and specifications shall be approved by the Authority.

Section 25. Leasing to State Agencies.

(a) The Authority is hereby authorized to enter into a lease or leases of all or any part or portion of the facilities constructed, acquired, reconstructed, renovated or improved by the Authority under the provisions of this act, to any agency of the state. Any agency of the state and each of them is hereby authorized to lease any such facilities from the Authority. No such lease shall, however, be for a term longer than the then current fiscal year of the state, but any such lease may contain a grant to any state agency of successive options of renewing said lease on the terms specified therein for any subsequent fiscal year or years of the state; provided, that liability for the payment of rent shall never be for a term longer than one fiscal year.

(b) Rent payments by the state, or any of its agencies shall be due and payable not less often than once each fiscal year at such time or times as shall be specified in the lease respecting the facilities leased and shall, upon being so paid, entitle the state or such agency to quiet possession of the facilities leased for such fiscal year. Said rent for such fiscal year shall be payable, and any such covenant with respect thereto on the part of the state or any of its agencies (as the case may be) shall be performed, solely out

of the current revenues of the state or such agency for such fiscal year. The rent payable and the covenants to be performed by the state or any of its agencies under the provisions of said lease shall never be deemed to create a debt of the state within the meaning of the Constitution.

(c) In the event that there shall be any default in the payment of any rent required to be paid or in the performance of any covenant required to be performed by the state or any of its agencies under the provisions of any such lease, while such lease is in effect, the Authority and any pledge of such lease may, by any appropriate proceedings instituted within the time permitted by law, enforce and compel the payment of such rent and the performance of such covenants. No free use shall be made of any facilities of the Authority so long as the principal of or interest on any bonds, including Refunding Bonds, issued by the Authority remains unpaid.

(d) In the event that any facility of the Authority should become vacant or not be used by one of the state agencies, then neither the state nor any agency, board, bureau, commission, public corporation or department of the state shall rent, purchase, acquire, construct or lease any facilities or renew any lease of any facilities, nor shall it use any such facilities other than those of the Authority, so long as any facility of the Authority shall remain vacant or unused.

Section 26. County, Municipal Corporation, Agency of Federal Government, Etc. If at any time any facility constructed or acquired by the Authority is, or is about to be, vacant or unused as a result of there being no lease for such facility in effect for the current fiscal year, then, but only in such event, in order to prevent default on its bonds, the Authority is hereby authorized to lease such facility to any other agency, department, bureau or commission of the state, any municipal corporation, public corporation, county, or other public body in the state, or any agency of the federal government, and lastly, and in no other order of priority, to a private person, firm or corporation. Any such lease shall not be for the purpose of lending public credit but shall be solely to avoid default on the Authority's bonds and to insure the prompt payment of the principal thereof and interest thereon when due.

Section 27. Special Funds. In the resolution or proceedings authorizing the issuance of any bonds or any temporary loan or in any indenture of trust, the Authority may provide for the establishment of one or more special funds for the payment of the principal of, or interest on, the bonds or notes, one or more reserve funds therefor and a fund, or funds, for the payment of insurance premiums or other expenses with respect to the ownership and leasing of the facilities. Any such special funds shall be held as trust funds pursuant to agreement with such trustee bank or banks as may be designated by the commission. The Authority shall establish and maintain appropriate records pertaining to such funds. Such records shall be available at all reasonable times to public inspection.

Section 28. Exemption from Taxation. The properties of the Authority and the income therefrom, all lease agreements made by the Authority and all bonds and promissory notes issued by the Authority, the interest thereon, the coupons, if any, applicable thereto, the income therefrom and all lien notices with respect thereto, and all purchases and uses of property by the Authority shall be forever exempt from any and all taxation in the state or in any county, municipality or political subdivision thereof.

Section 29. Venue for Actions. Any action to protect or enforce any rights under the provisions of this act shall be brought in any circuit court in the State.

Section 30. Fees of Secretary of State. There shall be no fees paid to the secretary of state for any work done in connection with the incorporation or dissolution of the Authority.

Section 31. Dissolution. When all bonds and securities issued by the Authority and all obligations assumed by it under the provisions of this act shall have been paid in full, the then president of the Authority may thereupon execute and deliver in the name of, and in behalf of, the Authority an appropriate deed or deeds, to which the seal of the Authority shall be affixed and attested by the secretary of the Authority, conveying all facilities, properties and other assets then owned by the Authority to such agency of the state as shall be designated by the Governor. The then directors of the Authority may at such time file with the secretary of state a written statement, subscribed and sworn to by each of them, reciting the payment in full of all bonds theretofore issued by the Authority and the execution and delivery of such deed or deeds, which statement shall be filed by the secretary of state and recorded with the certificate of incorporation of the authority, and thereupon the Authority shall stand dissolved.

Section 32. Exemption of Leases of Facilities from Competitive Bid Laws. All leases of facilities made by the Authority shall be exempt from the provisions and requirements of chapter 16 of Title 41 of the Code.

Section 33. Exemption from Sunset Law. The Authority shall not be governed by the provisions of chapter 20 of Title 41 of the Code (originally enacted as Act No. 512 of the 1976 Regular Session of the Legislature of Alabama).

Section 34. Severability. In the event any section, sentence, clause or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective.

Section 35. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Denton	Hand	Parsons	
Bailey	Dial	Hilliard	Rice	
Bedford	Ellis	Langford	Smith (B)	
Bennett	Goodwin	Mitchem	Windom	
deGraffenried	Hale			—17
Nay:	Senator Sanders			—1

And said Bill, S. B. 465, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

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Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Rice	
Bailey	Corbett	Hale	Sanders	
Bedford	deGraffenried	Hand	Smith (B)	
Bedsole	Denton	Langford	Smith (J)	
Bennett	Dial	Parsons	Windom	—19

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 17. To provide for and permit the breeding of farm-raised alligators for certain commercial purposes; to provide for the regulation of, and to regulate, the breeding, exhibiting, selling, purchasing, shipping, or transporting of farm-raised alligators or the skins, carcasses or parts thereof, by the state department of conservation and natural resources; to provide for the licensing of alligator farmers, alligator parts dealers, and certain retailers and restaurants; to provide for the procedure for tagging of certain alligator skins, carcasses, meat or parts; to provide for certain property rights in certain alligators and parts thereof; to provide for the furnishing or retention or inspection of certain records or bills of sale, relating to the sale or purchase or shipment of certain such alligator skins or carcasses or parts; to provide for a severance tax upon the skins of certain alligators taken within this state; to prohibit the taking or possession of alligators of their eggs, skins, or parts except as provided herein; to provide for the voiding of said licenses under certain circumstances; to provide for the forfeiture and disposal of certain alligators, parts, and skins and the cancellation of alligator farmer licenses under certain circumstances; and to provide for penalties.

Also:

H. 113. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1988 Regular Session of the legislature, as contained in the 1988 Cumulative Supplement to the Code of Alabama 1975; and to make certain corrections in such cumulative supplement.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills and House Joint Resolution, your signature thereto is requested.

H. 102. Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

Also:

H. 611. Relating to Montgomery County; pertaining to the Retirement System for Employees of Montgomery County; to amend Section 7 of Act No. 356 of the Legislature of Alabama of 1973 to increase the maximum retirement allowance credit from 30 to 40 years of creditable service; to amend Section 1 of Act No. 618 of the Legislature of Alabama of 1977 to equalize the reemployment repayment provisions for the restoration of creditable service credit; to amend Section 1 of Act No. 724 of the Legislature of Alabama of 1981 to increase the maximum annual service retirement allowance from 12 times sixty per centum to 12 times eighty per centum of the members' average monthly compensation, to reduce the creditable service required for vesting from 15 to 10 years and to remove special retirement restrictions for members who have attained the age of 70.

Also:

H. 919. Relating to Montgomery County; amending Section 1 of Act No. 87-748, H. 1051 of the 1987 Alabama Legislature (Acts 1987, p. 1472), providing for the release of certain persons from legal custody who own equitable interest in real estate of the county, so as to further provide for persons who can post bail or appeal bonds using certain real estate equitable interest.

Also:

H. 1012. Relating to Shelby County; authorizing the county commission to provide an increase in county salary supplement for each circuit judge and district attorney within the eighteenth judicial circuit and each Shelby County district judge.

Also:

H. J. R. 462. COMMENDING COMMISSIONER OF LABOR ROBIN REA AND ASSISTANT COMMISSIONER OF LABOR MIKE MORGAN OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 414. COMMENDING COMMISSIONER OF LABOR ROBIN REA AND ASSISTANT COMMISSIONER OF LABOR MIKE MORGAN OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 416. COMMENDING DAVID BRYANT SMITH OF GADSDEN, ALABAMA.

Also:

H. J. R. 417. COMMENDING SHANE DICKERSON OF FRUITDALE HIGH SCHOOL, DISTRICT V TEACHER OF THE YEAR.

Also:

H. J. R. 418. COMMENDING THE PIZTIZ MIDDLE SCHOOL BAND IN VESTAVIA HILLS, ALABAMA.

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Also:

H. J. R. 426. MOURNING THE DEATH OF LESLEY ANN KAYLOR OF ATTALLA, ALABAMA.

Also:

H. J. R. 427. RECOGNIZING WITH COMMENDATION THE 100TH ANNIVERSARY OF THE GADSDEN CITY SCHOOLS.

Also:

H. J. R. 428. COMMENDING THE MONTGOMERY COUNTY EDUCATION ASSOCIATION.

Also:

H. J. R. 429. COMMENDING THE FRANCIS MARION HIGH SCHOOL RAMS ON THE 1988-1989 STATE CLASS 2A BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 460. CONGRATULATING W. HAROLD GRANT, PH.D., AUBURN, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 463. MOURNING THE DEATH OF DR. HERMAN STONE OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 466. CONGRATULATING MRS. MINNIE TURNBO OF WHISTLER, ALABAMA, ON THE OCCASION OF HER 108TH BIRTHDAY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 331. COMMENDING BENJAMIN B. GRAVES FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

Also:

H. J. R. 332. HONORING MONTGOMERY'S WOMEN OF ACHIEVEMENT.

Also:

H. J. R. 334. COMMENDING CLARKE COUNTY HIGH SCHOOL, OUR STATE 4A BASKETBALL CHAMPIONS.

Also:

H. J. R. 335. COMMENDING MRS. ANNE FORD CASE OF JACKSONVILLE, ALABAMA.

Also:

H. J. R. 362. COMMENDING PENNY MINCE OF GADSDEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 327. CONGRATULATING JUNE SMITH, ENTERPRISE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 328. COMMENDING ANNIE MAE SULLIVAN NOLIN OF COOK SPRINGS, ALABAMA.

Also:

H. J. R. 336. COMMENDING EMILY PUTNAM OF AUBURN, ALABAMA, "FOCUS ON ANIMALS" VIDEO CO-PRODUCER AND DEVELOPER.

Also:

H. J. R. 337. COMMENDING DAVID BISHOP, OUTSTANDING DISABLED VOLUNTEER.

Also:

H. J. R. 340. RECOGNIZING, WITH COMMENDATION, JUNE 2, 1989, AS "LETTER CARRIER DAY" IN ALABAMA.

Also:

H. J. R. 402. COMMENDING "ALABAMA."

Also:

H. J. R. 431. MOURNING THE DEATH OF SONYA DeANN HALL-MARK OF PINSON, ALABAMA.

Also:

H. J. R. 432. MOURNING THE UNTIMELY DEATH OF NATHAN WAYNE VERNON OF CENTER POINT, ALABAMA.

Also:

H. J. R. 433. MOURNING THE DEATH OF DAVID ERIC WREN OF CENTER POINT, ALABAMA.

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Also:

H. J. R. 434. COMMENDING BRYAN PATRICK THARP OF CHALKVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 389. COMMENDING TREY DICKSON OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 390. COMMENDING ETCHRIDGE, MEANS OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 391. COMMENDING TONI JAMES OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 392. COMMENDING ROBERT SCOTT LEWIS OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 453. COMMENDING DAMON DIXON FOR OUTSTANDING ATHLETIC AND ACADEMIC ACHIEVEMENT.

Also:

H. J. R. 306. COMMENDING BOBBY M. JUNKINS OF GADSDEN, ALABAMA, FOR OUTSTANDING SERVICE AND ACCOMPLISHMENT.

Also:

H. J. R. 409. COMMENDING BOBBY D. JONES OF LAFAYETTE, ALABAMA, ON HIS RECENT HONOR AS CITIZEN OF THE YEAR.

Also:

H. J. R. 410. NAMING THE AUDITORIUM AT J. B. PENNINGTON HIGH SCHOOL IN BLOUNTSVILLE, ALABAMA, IN HONOR OF RUFUS BIRL BRYSON.

Also:

H. J. R. 413. MOURNING THE DEATHS OF WALTER OTIS MENDHEIM AND HETTIE M. AMAN, HOUSTON COUNTY, ALABAMA.

Also:

H. J. R. 425. CONGRATULATING REPRESENTATIVE AND MRS. RICHARD LINDSEY ON THE BIRTH OF A DAUGHTER.

Also:

H. J. R. 398. CONGRATULATING THE ERWIN HIGH SCHOOL BASKETBALL TEAM ON THEIR ACCOMPLISHMENT OF THE 1988-1989 SEASON.

Also:

H. J. R. 344. MOURNING THE DEATH OF GLADYS MOUTON COOPER OF MOBILE, ALABAMA.

Also:

H. J. R. 470. COMMENDING THE FORMATION OF THE HELEN KELLER EYE RESEARCH FOUNDATION.

Also:

H. J. R. 384. CONGRATULATING SUE FARNSWORTH, OZARK, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 385. COMMENDING LILLIS IRWIN FOR DISTINGUISHED SERVICE TO THE ALABAMA PUBLIC SCHOOLS.

Also:

H. J. R. 386. MOURNING THE DEATH OF EUGENE BURNIE COOKE OF MOBILE, ALABAMA.

Also:

H. J. R. 436. RECOGNIZING WITH COMMENDATION THE 10th ANNIVERSARY OF THE NATIONAL ODOM ASSEMBLY.

Also:

H. J. R. 437. CONGRATULATING MICHELE KILCULLEN COODY, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 438. MOURNING THE DEATH OF WILLIAM RAYNES JONES OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 439. COMMENDING AUTHOR GENE WESTBROOK AND DESIGNATING "THE MAGNOLIA COLLECTION" AS AN OFFICIAL 1989 ALABAMA REUNION COOKBOOK.

Also:

H. J. R. 440. MOURNING THE DEATH OF CLARENCE COLEMAN HARRIS OF ALBERTVILLE, ALABAMA.

Also:

H. J. R. 393. COMMENDING DONNA MURPH OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 394. COMMENDING HOLMES HENDRICKSON OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 395. COMMENDING AMY JOHNS OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 396. COMMENDING APRIL HARVILL OF BAY MINETTE, ALABAMA.

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Also:

H. J. R. 457. COMMENDING COACH RONNIE ARROW FOR OUTSTANDING ACCOMPLISHMENTS AS HEAD COACH OF THE UNIVERSITY OF SOUTH ALABAMA BASKETBALL TEAM.

Also:

H. J. R. 458. COMMENDING THE UNIVERSITY OF SOUTH ALABAMA JAGUAR BASKETBALL TEAM FOR THEIR OUTSTANDING SEASON.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 440. To amend sections 22-5A-2 through 22-5A-7, Code of Alabama 1975, relating to the "Long-Term Residential Health Care Recipient Ombudsman Act," so as to provide further for the state ombudsman and community ombudsmen and their powers and duties under the commission on aging.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Corbett	Hale	Parsons	
Bailey	deGraffenried	Hand	Preuitt	
Bedford	Denton	Hilliard	Rice	
Bedsole	Dial	Langford	Smith (B)	
Bennett	Ellis	Manley	Windom	—23

Nays: —0

RESOLUTION

Senator Goodwin offered the following Senate Joint Resolution, to-wit:

S. R. 208. REQUESTING THE RETURN OF S. B. 150.

Be it Resolved by the Senate that the House of Representatives is hereby requested to return to the Senate, Senate Bill 150.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF H. B. 965

The Senate proceeded to further consideration of the Bill, H. B. 965.

And said Bill, H. B. 965, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	deGraffenried	Hale	Parsons	
Barron	Dial	Hand	Rice	
Bedsole	Drinkard	Hilliard	Smith (B)	
Bennett	Ellis	Horn	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Campbell	Foshee			—25

Nays: —0

THE BILL:

S. 219. To amend Sections 24-1A-5 and 24-1A-9 of the Code of Alabama 1975, relating to the powers of Alabama Housing Finance Authority and to the limitation on issuance of certain bonds by Alabama Housing Finance Authority, so as to provide further for such powers and such limitation on issuance.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Parsons	
Barron	Denton	Hand	Sanders	
Bedford	Dial	Hilliard	Smith (B)	
Bedsole	Ellis	Langford	Smith (J)	
Bennett	Foshee	Manley	Windom	
Campbell				—24

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 341. DESIGNATING A PORTION OF HIGHWAY 76 AS THE "DESOTO CAVERNS PARKWAY."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds

vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 677. To amend Section 17-4-131, Code of Alabama 1975, relating to the names of deceased persons furnished to boards of registrars, so as to provide further for what information shall be furnished, to provide that said information shall be furnished to all county boards of registrars and to require affected boards of registrars to purge said names from the registration lists within a certain time.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23; Nays 0.

Yeas:

Senators:	Bennett	Ellis	Langford
Amari	Campbell	Foshee	Mitchem
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hale	Sanders
Bedford	Denton	Hand	Smith (B)
Bedsole	Dial	Hilliard	Windom

—23

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 200. RELATIVE TO MEETING DAYS.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

Senator Hand requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 678. To require the department of public safety to provide certain information to boards of registrars on persons acquiring drivers' licenses outside of the state; to authorize the boards of registrars to notify the said person that their names will be deleted unless said person notifies the board of registrars within 60 days that he wishes to remain a registered voter in the county; and to provide for certain exemptions for persons in the armed forces and certain students.

On motion of Senator Hand, further consideration of the Bill, S. B. 678, was postponed subject to the call of the Chair.

THE BILL:

S. 679. To provide that the bureau of vital statistics shall furnish to the boards of registrars a list of previously deceased persons.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23; Nays 0.

Yeas:

Senators:	Bennett	Ellis	Langford	
Amari	Campbell	Foshee	Mitchem	
Bailey	Covington	Goodwin	Parsons	
Barron	deGraffenried	Hale	Sanders	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Windom	—23

Nays: —0

THE BILL:

S. 579. To authorize the governing body of any county in this state and any participating municipality to establish public corporations to acquire, enlarge, improve, replace, own, lease and dispose of properties to the end that such corporations may develop land as sites for industrial parks, including provisions for water, sewage, drainage, transportation, power and communication facilities and other similar facilities incidental to the use of land as an industrial park and to vest in such corporations all powers necessary to enable them to accomplish such purposes.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23; Nays 0.

Yeas:

Senators:	Bennett	Ellis	Langford	
Amari	Campbell	Foshee	Mitchem	
Bailey	Covington	Goodwin	Parsons	
Barron	deGraffenried	Hale	Sanders	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Windom	—23

Nays: —0

THE BILL:

S. 107. To further provide for sick leave credit for certain State employees employed by the State department of education, and to repeal any conflicting laws or rules or regulations.

was read a third time at length and passed, and ordered sent forthwith to the House.

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Yeas 23; Nays 0.

Yeas:

Senators:	Bennett	Ellis	Langford	
Amari	Campbell	Foshee	Mitchem	
Bailey	Covington	Goodwin	Parsons	
Barron	deGraffenried	Hale	Sanders	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Windom	—23

Nays: —0

THE BILL:

H. 80. To amend Section 36-9-2, Code of Alabama 1975, relating to public officers and employees, so as to provide that a public officer when convicted of a felony shall vacate his office from the time of the conviction.

was taken up.

On motion of Senator Windom, further consideration of the Bill, H. B. 80, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 35. To provide, in the absence of written objection from the superintendent of the state banking department, for the transfer of fiduciary accounts from one bank, trust company or trust department to a related bank, trust company or trust department with provisions requiring notice to certain beneficiaries and to the probate court, to provide a procedure for beneficiaries who object to the transfer, and provide for an alternative procedure which creates an agency relationship between related banks.

Also:

H. 118. To amend sections 29-2-4 and 29-2-6, Code of Alabama 1975, as amended, relating to the powers and duties of the joint highway committee and the duties of the highway department with respect to such committee, so as to further provide therefor, the long-range planning responsibilities and the department's utilization of federal and state funds.

Also:

H. 349. To amend Section 5-19-31, Code of Alabama 1975, so as to confirm and clarify existing law that the provisions of Title 5, Chapter 19, other than the provisions of Section 5-19-1(1) and Section 5-19-3, do not apply to any loan, forbearance, credit sale, lease or other transaction that is not a consumer transaction, or to any transaction by a trust institution under any plan or agreement qualified under 26 USC 401(a) or defined by 5 USC 8437, 26 USC 403(b) or 26 USC 457 or a trust exempt under 26 USC 501; to provide further limitations upon the effect of Chapter 19 in amending or repealing other laws; to provide for the purpose of this Act; to provide for severability of the provisions of this Act; and to provide for an effective date.

Also:

H. 88. To appropriate from the General Fund the sum of \$1,000,000 during the fiscal year 1988-1989, to the Department of Agriculture and Industries Agricultural Development Services program which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

S. J. R. 176. COMMENDING PAUL S. TIPTON, S. J., FOR DISTINGUISHED SERVICE AS PRESIDENT OF SPRING HILL COLLEGE, MOBILE, ALABAMA.

Also:

S. J. R. 177. CONGRATULATING MARGARET ELMORE, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

S. J. R. 185. COMMENDING DR. GARY L. BRANCH, PRESIDENT OF FAULKNER STATE JUNIOR COLLEGE IN BAY MINETTE, ALABAMA.

Also:

S. J. R. 187. COMMENDING THE LOACHAPOKA HIGH SCHOOL INDIANS ON THEIR OUTSTANDING 1988-1989 BASKETBALL SEASON.

Also:

S. J. R. 188. NAMING THE HUMAN RESOURCE CENTER AT SEARCY HOSPITAL IN MOUNT VERNON, ALABAMA, THE "DR. E. L. MCCAFFERTY, SR., HUMAN RESOURCE CENTER."

Also:

S. J. R. 191. COMMENDING OUR COLLEAGUE LESTER WHITE OF DADEVILLE, RECIPIENT OF THE OUTSTANDING LEGISLATOR AWARD.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 9. To establish an asbestos contractor accreditation plan for Alabama in compliance with Title II, Section 206 of the Toxic Substances Control Act of the United States (15 U.S.C.A. §2646); to designate the Safe-State Program, a division of the University of Alabama, as the state agency to administer the plan; to provide the agency certain powers and authority; and to require certain notification and documentation of accreditation of asbestos contractors to the Alabama Department of Environmental Management.

Also:

S. 17. To amend Section 37-6-21, Code of Alabama 1975, to permit the board of trustees of a rural electric cooperative to mortgage or encumber the property, assets, rights, revenues and income of a cooperative without approval of the members and to define a substantial portion of the property referred to in this section.

Also:

S. 22. To amend further section 36-29-1 of the Code of Alabama 1975, relating to the definition of "employee" under the state employees' health insurance plan, so as to include within the definition any employee who worked at least 10 years for the state highway department in "captive county" circumstances and who was transferred to county employment upon the adoption of article 3A, chapter 1, Title 23, Code of Alabama 1975.

Also:

S. 67. To amend Section 5-11A-12, Code of Alabama 1975, so as to provide that a trust company or other financial institution with trust powers may, in its fiduciary capacity, purchase bonds or other securities underwritten or otherwise distributed by the financial institution or by a syndicate which includes the financial institution or by an affiliate of the financial institution; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

Also:

S. 74. Relating to credit card crimes by adding a new Section 13A-9-14.1 to Title 13, Chapter 9, Code of Alabama 1975, so as to provide for definitions; to prohibit a person who is paid by a credit card for furnishing money, goods, or services or anything else of value, from defrauding the issuer, the acquirer or cardholder, as defined in this Act, through false credit

card transactions; to specify a violation of this Act as a Class B felony; to provide for the severability of the provisions of this Act; and to provide for an effective date.

Also:

S. 104. To authorize any political subdivision or other entity subject to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to practice certain relocation assistance and payment procedures in order to comply with said Uniform Relocation Act; and to repeal sections 23-1-200 through 23-1-209, Code of Alabama 1975, the existing "Relocation Assistance Act."

Also:

S. 114. To provide, in the absence of written objection from the superintendent of the state banking department, for the transfer of fiduciary accounts from one bank, trust company or trust department to a related bank, trust company or trust department with provisions requiring notice to certain beneficiaries and to the probate court, to provide a procedure for beneficiaries who object to the transfer, and provide for an alternative procedure which creates an agency relationship between related banks.

Also:

S. 326. To create the Alabama Workmen's Compensation Self-Insurers Guaranty Association; to provide for its membership and the management of the affairs of the Board of Directors of the Association; to provide that it may assess its members to fund an insolvency fund; and to provide that the Department of Industrial Relations shall regulate the Association.

Also:

S. 402. To amend Section 13A-8-80, 13A-8-81, 13A-8-82, 13A-8-83, 13A-8-84 and 13A-8-86, Code of Alabama 1975, which prohibit the copying and sale of certain recorded devices, so as to further prohibit such copying and sales and to increase the penalties for violations.

BILL DRINKARD,
Chairperson

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 264. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution

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or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; to provide for the powers and duties of solid waste officers; to provide that failure to comply with the provisions of the article shall constitute a public nuisance; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Bennett	Ellis	Langford	
Amari	Campbell	Foshee	Mitchem	
Bailey	Covington	Goodwin	Parsons	
Barron	deGraffenried	Hale	Sanders	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Windom	—23

Nays: —0

FURTHER CONSIDERATION OF H. B. 80

Senator Windom requested and received permission to suspend the Rules in order to bring up the Bill, H. B. 80.

And said Bill, H. B. 80, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Bennett	Ellis	Langford	
Amari	Campbell	Foshee	Mitchem	
Bailey	Covington	Goodwin	Parsons	
Barron	deGraffenried	Hale	Sanders	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Windom	—23

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 450. To amend Section 5-17-8, Code of Alabama 1975, so as to grant to the Administrator of the Alabama Credit Union Administration the power to order a credit union to cease and desist from certain activities, to suspend individuals from participating in the affairs of a credit union and to establish procedures to appeal such orders to the Board of the Alabama Credit Union Administration; amends Section 5-17-18, Code of Alabama 1975, so as to prohibit late charges for any credit union loan not calculated on a simple interest basis; and amends the credit union laws so as to prohibit specific acts which would be prohibited if credit unions were subject to the prohibited acts provisions of state banking laws; providing penalties for violation of this act.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Bennett	Ellis	Langford	
Amari	Campbell	Foshee	Mitchem	
Bailey	Covington	Goodwin	Parsons	
Barron	deGraffenried	Hale	Sanders	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Windom	—23

Nays: —0

THE BILL:

S. 194. To provide that investigators for the Office of the Attorney General when duly appointed and designated by the Attorney General to be engaged in investigations related to controlled substances shall have the powers of peace officers, including arrest powers; and to provide that investigators so employed and designated must meet minimum standards requirements.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 194, to-wit:

SUBSTITUTE FOR S. B. 194**A BILL
TO BE ENTITLED
AN ACT**

To provide that full time narcotics investigators for the Office of the Attorney General when duly appointed and designated by the Attorney General to be engaged in narcotics investigations related to controlled substances shall have the powers of peace officers, including arrest powers; and to provide that narcotics investigators so employed and designated must meet minimum standards requirements.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This Act shall be entitled the "Narcotics Officers Investigation Act of 1989."

Section 2. To authorize full time Narcotics Investigators for the Office of the Attorney General, when duly appointed by the Attorney General and designated by him to be engaged in investigations related to controlled substances, shall have the powers of peace officers in this state, including arrest power, and may exercise such powers anywhere within the state in the investigation of controlled substances providing the said investigators shall not be authorized to execute search warrants.

Section 3. All narcotics investigators employed or designated pursuant to Section 2 must meet the minimum standards established for law enforcement officers by the Peace Officers Standards and Training Commission.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

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Yeas 23; Nays 0.

Yeas:

Senators:	Bennett	Ellis	Langford	
Amari	Campbell	Foshee	Mitchem	
Bailey	Covington	Goodwin	Parsons	
Barron	deGraffenried	Hale	Sanders	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Windom	—23

Nays: —0

And said Bill, S. B. 194, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Bennett	Ellis	Langford	
Amari	Campbell	Foshee	Mitchem	
Bailey	Covington	Goodwin	Parsons	
Barron	deGraffenried	Hale	Sanders	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Windom	—23

Nays: —0

THE BILL:

H. 425. To provide that a retired state policeman may accept employment with a city or county agency and continue to receive his retirement benefits but shall not receive additional retirement benefits for his new employment even though he contributes to the retirement systems; provided further, however, that upon termination of employment with the county or city agency, the employee shall receive the principal amount paid by him into the retirement system less any interest earned on the principal amount.

was read a third time at length and passed.

Yeas 22; Nays 1.

Yeas:

Senators:	Bennett	Ellis	Langford	
Amari	Campbell	Foshee	Mitchem	
Bailey	Covington	Goodwin	Parsons	
Barron	deGraffenried	Hale	Sanders	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard		—22

Nay: Senator Windom —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. White (G) and Starkey:

H. 1065. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Education for the Hemophilia Program for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1065—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. White (L):

H. 108. To amend Section 34-38-1, Code of Alabama, 1975, so as to include the definition of hygienist in Section 34-38-1, and to bring hygienists under the provisions of this chapter. To amend Section 34-38-2, Code of Alabama, 1975, relating to the limitation of expenses of the Alabama impaired professionals' committee, so as to exclude the cost of treatment or rehabilitation programs recommended by the committee to professionals subject to the provisions of section 34, Chapter 38 of the Code of Alabama 1975, and to preserve the authority of the regulatory board or boards to take disciplinary action against professionals subject to the provisions of this section. To amend Section 34-38-6, Code of Alabama, 1975, relating to the confidentiality of information, records and proceedings so as to allow certain access by the regulatory boards. To amend Section 34-38-7, Code of Alabama, 1975, relating to reporting requirements so as to require certain reports to the regulatory boards.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 108.—to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Marietta:

H. 728. To amend Section 9-17-3, Code of Alabama 1975, which relates to the state oil and gas board, to provide that each member of the state oil and gas board shall be entitled to an expense allowance of \$500.00 per month.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 728—to the Committee on State Development and Tourism

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Newton (D), Spratt, and Perdue:

H. 135. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for nighttime searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, relating to search warrants.

Also:

By Rep. Richardson:

H. 479. To amend Sections 24-1A-5 and 24-1A-9 of the Code of Alabama 1975, relating to the powers of Alabama Housing Finance Authority and to the limitation on issuance of certain bonds by Alabama Housing Finance Authority, so as to provide further for such powers and such limitation on issuance.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 135—to the Committee on Judiciary

H. B. 479—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Spratt, Escott, Perdue, Butler, Hill, Burke, Beers, Dillard, Marks, White (F), Knight, Curry, Logan, Petelos, Sanderford, Wright, McClain,

White (G), Gray, Newman, Lindsey, Johnson (RW), Holley, Bowling, Ford, Carter, Harvey, Davis, Higginbotham, Campbell, Kennedy, Clark (W), Poole, Layson, Warren, Thomas, Haynes, Grouby, Mikell, Starkey, Melton, Parker, Venable, Flowers, Johnson (RG), Cosby, Williams, and Blake:

H. 527. To prohibit students from carrying electronic communication devices while in school and provides for penalties for violations.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 527—to the Committee on Judiciary

BILLS ON THIRD READING RESUMED

THE BILL:

S. 636. To establish a new regulatory and licensing board for the practice of Cosmetology and Barbering; to create the Alabama Board of Cosmetology and Barbering; to provide for suspension and revocation of licenses; to prescribe penalties for certain violations; and to repeal Chapters 5 and 7 of Title 34, Code of Alabama 1975, relating to barbers and cosmetologists.

was taken up.

Senator Rice offered the following amendment to the Bill, S. B. 636, to-wit:

AMENDMENT TO S. B. 636

Amend Senate Bill 636 on Page 39, line 13, by deleting the words "Such compensation and" and lines 14 through 20 in their entirety and inserting in lieu thereof the following section and renumbering all subsequent sections.

"Section 23. There is hereby established a separate special revenue trust fund in the state treasury to be known as the Alabama Board of Cosmetology and Barbering Fund. All receipts collected by the board under the provisions of this act are to be deposited in this fund and used only to carry out the provisions of this act. Such receipts shall be disbursed only by warrant of the state comptroller upon the state treasurer, upon itemized vouchers approved by the chairman and treasurer of the board; provided that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Sections 41-4-80 through 41-4-96 and 41-19-1 through 41-19-12 of the Code of Alabama 1975, as amended, and only in amounts as stipulated in the general appropriations bill or other appropriation bills. Any money remaining in this fund at the end of each fiscal year shall remain on deposit in the state treasury for the use of the Alabama Board of Cosmetology and Barbering."

Further amend S. B. 636 as follows:

On page 11, line 34, delete the number "2,400" and insert in lieu thereof: 3,000

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On page 12, line 1, delete the words "two and one half" and insert in lieu thereof:

three

On page 12, line 2, between the word "day" and the semicolon, insert the words:

or as an apprentice for a period of not less than 2,400 hours in a high school industrial cooperative training program with related study

On page 39, line 6, after the word "office" insert a new subsection (d) to read as follows:

(d) the board may employ an executive director and an assistant executive director, both of whom shall be exempted from the classified service under the general laws of the state, and such other staff members as are necessary to discharge its duties and administer this chapter. The assistant executive director shall act as and have authority of the executive director in his absence. The board shall determine the duties and fix the compensation of the executive director and assistant executive director subject to the general laws of the state.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Bennett	Ellis	Langford	
Amari	Campbell	Foshee	Mitchem	
Bailey	Covington	Goodwin	Parsons	
Barron	deGraffenried	Hale	Sanders	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Windom	—23

Nays:

—0

Senator Foshee moved that further consideration of the Bill, S. B. 636, as amended, be postponed temporarily.

Senator Rice moved that the motion to postpone be laid on the table, which motion was lost.

The question recurred on the motion of Senator Foshee that further consideration of the Bill, S. B. 636, as amended, be postponed temporarily.

Senator Rice offered a substitute motion that further consideration of the Bill, S. B. 636, as amended, be postponed subject to the call of the Chair, which motion was adopted.

THE BILL:

S. 391. To amend Section 1-3-8 of the Code of Alabama 1975, relating to holidays observed by the state, so as to provide further for such holidays. was taken up.

Senator Bennett requested and received permission to suspend the Rules in order to bring up the Bill:

H. 731. To amend Section 1-3-8 of the Code of Alabama 1975, relating to holidays observed by the state, so as to provide further for such holidays.

in place of the Bill, S. B. 391.

And said Bill, H. B. 731 was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Bennett	Ellis	Langford	
Amari	Campbell	Foshee	Mitchem	
Bailey	Covington	Goodwin	Parsons	
Barron	deGraffenried	Hale	Sanders	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Windom	—23

Nays: —0

On motion of Senator Bennett, further consideration of the Bill, S. B. 391, was indefinitely postponed.

THE BILL:

H. 142. To create the Dietetics/Nutrition Practice Act and to provide for a board of examiners, and to prescribe the method of appointment; its duties and authorities; and to provide for licensing qualifications, renewals and revocation, exemptions, reciprocity, and penalties.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Bennett	Ellis	Langford	
Amari	Campbell	Foshee	Mitchem	
Bailey	Covington	Goodwin	Parsons	
Barron	deGraffenried	Hale	Sanders	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Windom	—23

Nays: —0

On motion of Senator Bennett, the Senate reconsidered the vote by which the Bill, H. B. 142, was passed.

On motion of Senator Bennett, the Senate reconsidered the vote by which the Bill, H. B. 142, was ordered to its third reading.

Senator Rice offered the following amendment to the Bill, H. B. 142, to-wit:

AMENDMENT TO H. B. 142

Amend House Bill 142 on page 1, line 11 by inserting after the word "authorities;" the following phrase to provide an appropriation for fiscal years 1988-89 and 1989-90:

Further amend House Bill 142 on page 7, line 30 by inserting the following section and renumbering subsequent sections accordingly:

"Section 8. There is hereby established a separate special revenue trust fund in the state treasury to be known as the Alabama State Board of

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Examiners for Dietetics/Nutrition Practice Fund. All receipts collected by the board under the provisions of this act are to be deposited in this fund and used only to carry out the provisions of this act. Such receipts shall be disbursed only by warrant of the state comptroller upon the state treasurer, upon itemized vouchers approved by the chairman of the board; provided that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Sections 41-4-80 through 41-4-96 and 41-19-1 through 41-19-12 of the Code of Alabama 1975 and only in amounts as stipulated in the general appropriations bill or other appropriation bills."

Further amend House Bill 142 on page 13, line 5 by inserting the following sections and renumbering subsequent sections accordingly:

"Section 15. There is hereby appropriated from the Alabama State Board of Dietetics/Nutrition Practice Fund to the Alabama Board State Board of Dietetics/ Nutrition Practice, for the fiscal year ending September 30, 1989, the sum of \$30,000. The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama State Board of Dietetics/Nutrition Practice.

Section 16. There is hereby appropriated from the Alabama State Board of Dietetics/Nutrition Practice Fund to the Alabama Board State Board of Dietetics/Nutrition Practice, for the fiscal year ending September 30, 1990, the sum of \$60,000. The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama State Board of Dietetics/Nutrition Practice."

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Bailey	deGraffenried	Goodwin	Rice	
Bedford	Denton	Hale	Sanders	
Bennett	Dial	Hand	Smith (J)	
Corbett	Ellis	Langford	Windom	—19

Nays: —0

And said Bill, H. B. 142, as thus amended, was again read a third time at length and passed.

Yeas 18; Nays 0.

Abstaining 1.

Yeas:

Senators:	Covington	Foshee	Manley	
Bailey	deGraffenried	Goodwin	Rice	
Bedford	Denton	Hale	Sanders	
Bennett	Dial	Hand	Windom	
Corbett	Ellis	Langford		—18

Nays: —0

Abstaining: Senator Smith (J) —1

THE BILL:

S. 357. Relating to the Teachers' Retirement System of Alabama, providing that any person employed in a circuit clerk's office may purchase credit for such service regardless of the manner in which such funds were paid or the source of such funds, providing for the cost of such credited service and providing for the expiration of this act.

was taken up.

On motion of Senator Ellis, further consideration of the Bill, S. B. 357, was postponed subject to the call of the Chair.

THE BILL:

S. 8. To amend Section 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights, so as to regulate further the sizes and weights of motor vehicles on the highways in Alabama.

was taken up.

Senator Manley requested and received permission to suspend the Rules in order to bring up the Bill:

H. 565. To amend Section 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights, so as to regulate further the sizes and weights of motor vehicles on the highways in Alabama.

in place of the Bill, S. B. 8.

And said Bill, H. B. 565, was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Bailey	deGraffenried	Goodwin	Rice	
Bedford	Denton	Hale	Sanders	
Bennett	Dial	Hand	Smith (J)	
Corbett	Ellis	Langford	Windom	—19

Nays: —0

On motion of Senator Manley, further consideration of the Bill, S. B. 8, was indefinitely postponed.

THE BILL:

S. 322. To mandate conversion rights for an employee or a member or his or her dependents under a group policy delivered or issued for delivery in this state which provides hospital, surgical or major medical expense insurance or any combination thereof, when said employee or member dies or when said employee's, member's or a dependent's group insurance has been terminated for any reason except: (a) nonpayment of any required contribution; or (b) replacement of any discontinued group coverage with similar group coverage within 31 days; to prescribe certain minimum benefit levels and the scope of coverage to be contained within the converted policy; to allow for termination of coverage under the converted policy due to an insured becoming eligible for Medicare coverage or coverage under any other

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group policy, or plan; and to allow for optional group coverage in lieu of the issuance of a converted individual policy.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Bailey	deGraffenried	Goodwin	Rice	
Bedford	Denton	Hale	Sanders	
Bennett	Dial	Hand	Smith (J)	
Corbett	Ellis	Langford	Windom	—19

Nays: —0

THE BILL:

S. 602. To further amend Section 41-16-50, Code of Alabama 1975, as amended, relating to public contracts requiring competitive bidding, so as to include separate boards of trustees.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 602, to-wit:

AMENDMENT TO S. B. 602

Amend Senate Bill No. 602 Page 1 Line 19, as follows: after the words "so as to include" add the following: "state trade schools, state junior colleges, state colleges or universities under the supervision or control of"

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Bailey	deGraffenried	Goodwin	Rice	
Bedford	Denton	Hale	Sanders	
Bennett	Dial	Hand	Smith (J)	
Corbett	Ellis	Langford	Windom	—19

Nays: —0

Senator Langford offered the following amendment to the Bill, S. B. 602, as amended, to-wit:

AMENDMENT TO S. B. 602

Amend Senate Bill 602, Page 1, Line 28 by striking the figure "\$3,000.00" and inserting in lieu thereof the figure "\$5,000.00"

Further amend Senate Bill 602 on Page 1, Line 31 by striking the figure "\$3,000.00"

and inserting in lieu thereof the figure "\$5,000.00"

Amend further on Page 1, Line 34 by striking out the following: “,”.

Amend further on Page 2, Line 1, by inserting the following after the word “trustees”: “,”

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Bailey	deGraffenried	Goodwin	Rice	
Bedford	Denton	Hale	Sanders	
Bennett	Dial	Hand	Smith (J)	
Corbett	Ellis	Langford	Windom	—19

Nays: —0

And said Bill, S. B. 602, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Bailey	deGraffenried	Goodwin	Rice	
Bedford	Denton	Hale	Sanders	
Bennett	Dial	Hand	Smith (J)	
Corbett	Ellis	Langford	Windom	—19

Nays: —0

THE BILL:

S. 415. To amend Section 12-12-31, Code of Alabama 1975, which relates to small claims actions, so as to increase the jurisdictional amount of the claims.

was taken up.

On motion of Senator Hale, further consideration of the Bill, S. B. 415, was postponed subject to the call of the Chair.

THE BILL:

S. 497. To provide for suspending the driving privilege of those persons driving with an excessive concentration of alcohol in their bodies; to provide an opportunity for administrative review prior to the effective date of the suspension, and for an opportunity for a full hearing after the suspension becomes effective; and to provide for administrative and judicial review.

was taken up.

Senator Dial moved that further consideration of the Bill, S. B. 497, be postponed subject to the call of the Chair.

Senator Corbett offered a substitute motion that further consideration of the Bill, S. B. 497, be postponed temporarily, which motion was adopted.

THE BILL:

S. 337. To amend the Adult Protective Services Act of 1976, Sections 38-9-2 and 38-9-7, Code of Alabama, 1975, to provide further protection for adults who, because of the infirmities of age, disabilities or like incapacities, are in need of protection and provides criminal penalties for the abuse, neglect or exploitation of any adult.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 337, to-wit:

SUBSTITUTE FOR S. B. 337

**A BILL
TO BE ENTITLED
AN ACT**

To amend the Adult Protective Services Act of 1976, Sections 38-9-2, 38-9-6 and 38-9-7, Code of Alabama, 1975 to provide further protection for adults who, because of the infirmities of age, disabilities or like incapacities, are in need of protection and provides criminal penalties for the abuse, neglect or exploitation of any adult.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 38-9-2, Code of Alabama, 1975, is hereby amended to read as follows:

“Section 38-9-2. Definitions.

“For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

“(1) ADULT IN NEED OF PROTECTIVE SERVICES. A person 18 years of age or older whose behavior indicates that he is mentally incapable of adequately caring for himself and his interests without serious consequences to himself or others, or who, because of physical or mental impairment, unable to protect himself from abuse, neglect or exploitation by others, and who has no guardian or relative or other appropriate person able, willing and available to assume the kind and degree of protection and supervision required under the circumstances.

“(2) INTERESTED PERSON. Any adult relative, friend or guardian of a person to be protected under this chapter, or any official or representative of a public or private agency, corporation or association concerned with his welfare.

“(3) CARETAKER. An individual who has the responsibility for the care of the elderly or handicapped person as a result of family relationship or who has assumed the responsibility for the care of the person voluntarily, by contract or as a result of the ties of friendship.

“(4) OTHER LIKE INCAPACITIES. Those conditions incurred as the result of accident or mental or physical illness, producing a condition which substantially impairs an individual from adequately providing for his own care or protecting his own interests or protecting himself from physical or mental injury or abuse.

"(5) SENILITY. Organic brain damage caused by advanced age or other physical illness in connection therewith to the extent that the person so afflicted is substantially impaired in his ability to adequately provide for his own care.

"(6) ABUSE. The willful infliction of physical pain, injury, ~~or mental anguish~~ or the willful deprivation by a caretaker or other person of services necessary to maintain mental and physical health.

"(7) EMOTIONAL ABUSE. The willful or reckless infliction of emotional or mental anguish or the use of a physical or chemical restraint, medication or isolation as punishment or for convenience, as a substitute for treatment or care of any protected person."

"(7 8) NEGLECT. The failure of a caretaker to provide basic needs such as food, shelter, clothing, sustenance, medical services, and health care for the person unable to care for himself; or the failure of the person to provide these basic needs for himself when the failure is the result of the person's mental or physical inability.

~~"(8) EXPLOITATION. An unjust or improper use of another person or another person's resources for one's own profit or advantage or for the profit or advantage of another person."~~

"(9) EXPLOIT. The expenditure, diminution or use of the property, assets or resources of a person subject to protection under the provisions of this chapter without the express voluntary consent of that person or his legally authorized representative."

"(10) PROTECTED PERSON. Any person over 18 years of age subject to protection under the provisions of this chapter or any person including but not limited to persons who are senile, mentally ill, developmentally disabled, mentally retarded or any person over 18 years of age that is mentally or physically incapable of adequately caring for himself and his interests without serious consequences to himself or others."

"(9 11) PROTECTIVE SERVICES. Those services whose objective is to protect an incapacitated person from himself and from others.

"(10 12) DEPARTMENT. The department of human resources of the state of Alabama.

"(11 13) COURT. The circuit court."

"(14) PHYSICAL INJURY. Impairment of physical condition or substantial pain."

"(15) SERIOUS PHYSICAL INJURY. Physical injury which creates a risk of death, or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or the impairment of the function of any bodily organ."

Section 2. Section 38-9-6, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 38-9-6. Protective Placement.

"(a) An interested person may petition the court to order protective placement of an adult for purposes of care. No protective placement may be ordered unless there is a determination by the court that the person is unable to provide for his own protection from abuse, neglect or exploitation.

Upon such petition, setting forth the facts and name, age, sex and residence of such person, the court of the circuit in which such person resides has authority, and it is a duty, to appoint a day, not more than 30 days from the filing of such petition, for the hearing thereof. If, on the hearing of such petition, the person is not represented by counsel, the court shall appoint a guardian ad litem to represent him. A jury of six persons shall be impanelled for said hearing to serve as the trier of facts.

“(b) Costs of court proceedings under this chapter shall be paid as other civil court costs are paid, as provided for by law.

“(c) The court shall give preference in making a determination to the least drastic alternative considered to be proper under the circumstances, including a preference for noninstitutional care wherever possible. Before ordering the protective placement of any person, the court shall direct a comprehensive evaluation of the adult in need of services, if such an evaluation has not already been made and is necessary. The court may utilize available resources in the community in determining the need for placement. The department shall cooperate with the court in securing available resources for the person to be served. A copy of the comprehensive evaluation shall be provided to the guardian or the guardian ad litem or attorney of the person if a guardian has not been appointed. The court obtaining the evaluation shall request appropriate information which shall include at least the following.

(1) The address of the place where the person is residing and the person or agency who is providing services at present, if any.

(2) A resume of any professional services provided to the person by the department or other agency in connection with the problems creating a need for placement.

(3) A medical, psychological, social, vocational and educational evaluation and review, where necessary.

“(d) The department which arranges for a protective placement shall make an evaluation and submit a written report to the court at least once every six months covering the physical, mental and social condition of each person for whom it is acting and shall recommend an alternative arrangement where appropriate.

“(e) Any record of the department or other agency pertaining to such a person shall not be open for public inspection. Information therein shall not be disclosed publicly in such a manner as to identify individuals, but may be made available on application for cause to persons approved by the commissioner of the department or by the court.

“(f) Placement may be made in an appropriate alternative living arrangement such as a licensed nursing home, licensed personal care facility or approved foster care home. No person may be committed to a mental health facility under this chapter.

“(g) If the person is eligible for the adult services program of the department, usual department policies will be followed in regard to fees or payments, or both. If the person's income or resources, or both, make him ineligible for department services other than protective services, payment for services in relation to his evaluation and to his care in a protective setting is to be made from his income or resources, or both. A guardian, a conservator, or both, may be appointed by the court; provided that the department shall

not be appointed as guardian or conservator and provided further, that the department shall not be appointed custodian other than for the limited purpose, where appropriate, of transporting an adult for protective placement as ordered by the court. If it is agreeable with the person to be served, the court may appoint a guardian, or conservator, or both, having the same powers as a guardian of a person of unsound mind an incapacitated person or a conservator under the Alabama Uniform Guardianship and Protective Proceedings Act and it shall not be necessary to have a sanity hearing on that issue; otherwise, the court may appoint a guardian, a conservator, or both, in accordance with procedures as provided by law for the appointment of a guardian for a person of unsound mind following the procedures provided by the Alabama Uniform Guardianship and Protective Proceedings Act. If a jury is requested or required, the jury impanelled in this court according to Section 38-9-6(a) shall serve that function.

“(h) When any adult in need of protective services is unable to manage his estate and thereby is in danger of being reduced to poverty and want, an interested person may petition the court to preserve the estate of such person, to direct use of the estate for the needs of the person and for the general relief of the person.

“(i) No civil rights are relinquished as a result of any protective placement under this chapter. Nothing in this chapter shall be construed to authorize or require medical care or treatment for a person in contravention of his stated or implied objection thereto upon the grounds that such medical care and treatment conflict with his religious beliefs and practices.

“(j) As far as is compatible with the mental and physical condition of the adult in need of services or claimed to be in need of services under this chapter, every reasonable effort shall be made to assure that no action is taken without the full and informed consent of the person.”

Section 3. Section 38-9-7, Code of Alabama, 1975, is hereby amended to read as follows:

“Section 38-9-7. Abuse, neglect and exploitation prohibited; initiation of charges; penalty.

“(a) It shall be unlawful for any person to abuse, neglect or exploit any adult subject to protection ~~protected~~ under the provisions of this chapter. Charges of such abuse, neglect or exploitation may be initiated upon complaints of private individuals or as a result of investigations by social service agencies or on the direct initiative of law enforcement officials.

“(b) ~~Any person who abuses, neglects or exploits a person in violation of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be punished by imprisonment for not more than six months or a fine of not more than \$500.00 or both.~~

“(b) Any person who intentionally abuses or neglects a person in violation of the provisions of this chapter, shall be guilty of a Class B felony if the intentional abuse or neglect causes serious physical injury.

“(c) Any person who recklessly abuses or neglects a person in violation of the provisions of this chapter, shall be guilty of a Class C felony if the reckless abuse or neglect causes serious physical injury.

“(d) Any person who intentionally abuses or neglects a person in violation of the provisions of this chapter, shall be guilty of a Class C felony if the intentional abuse or neglect causes physical injury.

"(e) Any person who recklessly abuses or neglects a person in violation of the provisions of this chapter, shall be guilty of a Class A misdemeanor if the reckless abuse or neglect causes physical injury.

"(f) Any person who emotionally abuses a person in violation of the provisions of this chapter shall be guilty of a Class A misdemeanor."

"(g) Any person who exploits a person in violation of the provisions of this chapter shall be guilty of a Class C felony, where the value of the property, assets or resources exceeds \$100.00.

"(h) Any person who exploits a person in violation of the provisions of this chapter shall be guilty of a Class A misdemeanor, where the value of the property, assets or resources does not exceed \$100.00

"(i) If a violation of this section is also a violation of any other Alabama criminal statute, then a conviction or acquittal under either statute bars prosecution under the remaining statute.

Section 4. Severability

The provisions of the Act are severable, and if any phrase, clause, sentence or provision of this Act, or the application of such phrase, clause, sentence or provision shall be held invalid, the remainder of the Act shall not be affected thereby.

Section 5. No repeal

Nothing contained in this Act shall be deemed to repeal any other sections of Code of Alabama, 1975.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

The Standing Committee on Judiciary then reported the following amendment to the substitute for the Bill, S. B. 337, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 337

Amend the substitute for S. B. 337, on Page 2, Line 37, as follows:

After the words "punishment or", delete the words "for convenience,".

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Bailey	deGraffenried	Goodwin	Rice	
Bedford	Denton	Hale	Sanders	
Bennett	Dial	Hand	Smith (J)	
Corbett	Ellis	Langford	Windom	—19

Nays: —0

And said Bill, S. B. 337, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Bailey	deGraffenried	Goodwin	Rice	
Bedford	Denton	Hale	Sanders	
Bennett	Dial	Hand	Smith (J)	
Corbett	Ellis	Langford	Windom	—19

Nays: —0

THE BILL:

S. 582. To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, as amended, relating to licensing of hospitals, nursing homes and other health care institutions so as to include hospices; and to provide further for the advisory board.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Bailey	deGraffenried	Goodwin	Rice	
Bedford	Denton	Hale	Sanders	
Bennett	Dial	Hand	Smith (J)	
Corbett	Ellis	Langford	Windom	—19

Nays: —0

THE BILL:

S. 302. To exempt the Farm Crisis and Transition Program Commission, its employees and unpaid volunteers, from civil liability for any act done by them in connection with activity in the Farm Crisis Program; to require that any information divulged by a person seeking aid under the Farm Crisis Program, concerning finances or financial status, be deemed confidential and divulging said information by the Farm Crisis Commission, its employees or volunteers, to the public is a Class C misdemeanor.

was taken up.

MOTION TO ADJOURN LOST

At 7:15 P.M., Senator Corbett moved that the Senate adjourn until Monday, May 1, 1989, at 4 o'clock P.M., which motion was lost.

FURTHER CONSIDERATION OF S. B. 302

The Senate proceeded to further consideration of the Bill, S. B. 302.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (RG):

H. 333. To amend Section 36-30-2 of the Code of Alabama 1975, as amended, so as to increase the amount of the death benefit paid to survivors of peace officers and firemen killed on duty.

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Also:

By Reps. Petelos and Zoghby:

H. 631. To amend Sections 15-23-3, 15-23-5, 15-23-12, 15-23-14, and 15-23-15, Code of Alabama 1975, relating to the Alabama Crime Victims Compensation Commission, so as to increase the amount of burial expenses paid to the victim; to authorize work loss of claimant; to broaden the definition of the economic loss of a dependant; to extend the one year deadline for filing in certain cases; to authorize the Executive Director to pass on certain applications for compensation; to exempt the Commission from payment of cost of litigation under its right of subrogation, and to increase the maximum compensation award.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 333—to the Committee on Finance and Taxation

H. B. 631—to the Committee on Judiciary

FURTHER CONSIDERATION OF S. B. 302

The Senate proceeded to further consideration of the Bill, S. B. 302.

QUORUM CALL REQUESTED

At 8:12 P.M., Senator Corbett requested that the President and Presiding Officer of the Senate ascertain the presence of a quorum.

FURTHER CONSIDERATION OF S. B. 302

The Senate proceeded to further consideration of the Bill, S. B. 302.

Senator Corbett offered the following substitute for the Bill, S. B. 302, to-wit:

SUBSTITUTE FOR S. B. 302

**A BILL
TO BE ENTITLED
AN ACT**

To require that any information divulged by a person seeking aid under the Farm Crisis Program, concerning finances or financial status, be deemed confidential and divulging said information by the Farm Crisis Commission, its employees or volunteers, to the public is a Class C misdemeanor.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. No member of the Farm Crisis and Transition Commission, its employees or its volunteers shall divulge any information given to them by a person seeking aid under the Program, which concerns the finances or financial status of the person seeking aid. Any member of the Commission,

its employees, or volunteers divulging said information except to Commission members or employees, or pursuant to a lawful court order, shall be guilty of a Class C misdemeanor.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 336	S. B. 458	S. B. 464
S. B. 453	S. B. 459	S. B. 523
S. B. 454	S. B. 460	S. B. 524
S. B. 455	S. B. 461	S. B. 525
S. B. 456	S. B. 462	S. B. 526
S. B. 457	S. B. 463	S. B. 522

Delivered to the Governor, April 27, 1989, at 3:00 P.M.

S. B. 124	S. B. 142	S. B. 297
S. B. 286	S. B. 147	S. B. 604
S. B. 141	S. B. 267	S. B. 642

Delivered to the Governor, April 27, 1989, at 3:28 P.M.

S. B. 9	S. B. 104	S. J. R. 177
S. B. 17	S. B. 114	S. J. R. 185
S. B. 22	S. B. 326	S. J. R. 187
S. B. 67	S. B. 402	S. J. R. 188
S. B. 74	S. J. R. 176	S. J. R. 191

Delivered to the Governor, April 27, 1989, at 6:28 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

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ADJOURNMENT

At 8:22 P.M., Senator Corbett raised the question of a quorum being present.

The President and Presiding Officer of the Senate ruled that there was not a quorum present.

Therefore in the absence of a quorum, in accordance with Motion and Joint Resolution heretofore adopted, and pending further consideration of the Bill, S.B. 302, the Senate was declared adjourned until Monday, May 1, 1989, at 4 o'clock P.M.

TWENTY-FIFTH LEGISLATIVE DAY

MONDAY, MAY 1, 1989

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Mr. Steve Rogers, Pastor, Mount Olive Congregational Christian Church, Tallassee, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Paul Ragland, Faulkner University, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Parsons
Bailey	Covington	Goodwin	Pruitt
Barron	deGraffenried	Hale	Rice
Bedford	Denton	Hand	Sanders
Bedsole	Dial	Hilliard	Smith (B)
Bennett	Dixon	Horn	Smith (J)
Bishop	Drinkard	Langford	Windom
Cabaniss	Ellis		

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Fourth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Holmes and Mitchem for today.

MOTION TO ADJOURN

Senator Corbett moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, May 2, 1989, at 1 o'clock P.M.

Senator deGraffenried offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Tuesday, May 2, 1989, at 12 o'clock Noon, which motion was adopted.

FURTHER CONSIDERATION OF S. B. 678

The Senate proceeded to further consideration of the Bill:

S. 678. To require the department of public safety to provide certain information to boards of registrars on persons acquiring drivers' licenses outside of the state; to authorize the boards of registrars to notify the said person that their names will be deleted unless said person notifies the board of registrars within 60 days that he wishes to remain a registered voter in the county; and to provide for certain exemptions for persons in the armed forces and certain students.

having been postponed subject to the call of the Chair on the Twenty-Fourth Legislative Day, was again taken up.

Senator Hand offered the following substitute for the Bill, S. B. 678, to-wit:

SUBSTITUTE FOR S. B. 678

**A BILL
TO BE ENTITLED
AN ACT**

To require the department of public safety to provide certain information to boards of registrars on persons acquiring drivers' licenses outside of the state; to authorize the boards of registrars to notify the said person that their names will be deleted unless said person notifies the board of registrars within 60 days that he wishes to remain a registered voter in the county; and to provide for certain exemptions for persons in the armed forces and certain students.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The director of public safety is hereby required to furnish quarterly to the board of registrars of each county a list of all persons over 18 years of age who have acquired a driver's license outside the State of Alabama. The list shall include the name, social security number, birth date, and Alabama address, of all persons acquiring such licenses. Any board of registrars having the name of any said person on its voter registration list shall notify said person that his name will be purged from said voter registration list. Any board of registrars having the name of any said person on its voter registration list shall implement the procedure prescribed by law to purge the name of said person from the voter registration list if said person does not inform said board of registrars within 60 days of receiving the aforementioned notice that said person wishes to remain a registered voter in the county.

Section 2. The provisions of section 1 of this act shall not apply to any active member of the United States Armed Forces if said member applies to the board of registrars in the county in which he is a resident, on a form

to be supplied by the board, attesting to the fact that he is an active member of the United States Armed Forces and that he wishes to remain a registered voter in the county. Nor shall the provisions of section 1 of this act apply to any student who is a resident of Alabama and who attends a school outside the state.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Dixon	Langford	
Bailey	Corbett	Foshee	Manley	
Bedford	Covington	Goodwin	Rice	
Bedsole	deGraffenried	Hale	Smith (B)	
Bennett	Denton	Hand	Windom	
Cabaniss	Dial			—21

Nays: —0

And said Bill, S. B. 678, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 27; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Langford	
Bailey	Covington	Figures	Manley	
Bedford	deGraffenried	Foshee	Parsons	
Bedsole	Denton	Goodwin	Rice	
Bennett	Dial	Hale	Sanders	
Cabaniss	Dixon	Hand	Smith (B)	
Campbell	Drinkard	Horn	Windom	27

Nays: —0

RESOLUTION

Senator Corbett requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 209. EXPRESSING LEGISLATIVE INTENT REGARDING ACT NO. 89-284, H. 322, 1989 REGULAR SESSION, WHICH RELATES TO THE REAL ESTATE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is hereby declared that the legislative intent of Act No. 89-284, H. 322, 1989 Regular Session, is that in subsection (14) of Section 34-27-2 the language "properly identified" means a sign meeting the specifications of the Real Estate Commission.

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On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 259. To amend Section 32-5-222, Code of Alabama 1975, as amended, relating to child passenger restraints in motor vehicles, so as to provide further therefor.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Goodwin, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 259, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 259

Amend S. B. 259 on page 1, Section 1, line 29 by adding after the words "safety standards." the following:

Provided that, with respect to a child who is either 4 or 5 years of age, the term "child passenger restraint system meeting applicable federal motor vehicle safety standards" shall be deemed to include seat belts installed by the motor vehicle manufacturer, dealer or owner.

Yeas 21; Nays 1.

Yeas:

Senators:	Corbett	Figures	Horn
Bailey	Covington	Foshee	Langford
Bedford	deGraffenried	Goodwin	Sanders
Bedsole	Denton	Hale	Smith (B)
Cabaniss	Dial	Hand	Windom
Campbell	Ellis		

—21

Nay: Senator Dixon —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 152. To authorize the board of pardons and paroles to establish an intensive supervision program and to determine which persons under supervision shall be assigned to such program; to authorize promulgation of regulations pertaining to conditions of supervision and collection of fees to defray the expense of this program; and to provide that no person shall be

released from custody for furlough without the board of pardons and paroles first authorizing such furlough.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Bedford, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 152, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 152

A BILL TO BE ENTITLED AN ACT

To authorize the board of pardons and paroles to establish an intensive supervision program and to determine which persons under supervision shall be assigned to such program; to authorize promulgation of regulations pertaining to conditions of supervision and collection of fees to defray the expense of this program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The board of pardons and paroles may, by whatever criteria it deems reasonable, classify certain persons under the supervision of its probation and parole officers as deserving of intensive supervision. Special conditions may be imposed on such persons, individually or as a class.

(b) The board is hereby authorized to charge each person participating in the intensive supervision program a fee for supervision costs, which shall not exceed 25% of their gross monthly income. The board shall, by regulation, establish criteria for determining the fee to be charged in each case. Such sums shall be retained by the board and placed in the probationer's upkeep fund in the state treasury to defray the expense of administering this program and is hereby appropriated therefor.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 19; Nays 1.

Yeas:

Senators:	Campbell	Dixon	Langford	
Bedford	Corbett	Foshee	Manley	
Bedsole	Covington	Goodwin	Sanders	
Bennett	deGraffenried	Hale	Smith (B)	
Cabaniss	Denton	Horn	Windom	—19

Nay: Senator Hand

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 225. To amend Sections 14-10-1 and 14-10-2, Code of Alabama 1975, relating to the discharge of state inmates, so as to allow the department of

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corrections to establish reasonable regulations determining those state convicts who shall receive discharge benefits, to change the definition of the clothing issue, to limit the application of the discharge benefit to once per offense, to allow state inmates to waive discharge benefits and to provide for documentation for identification.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Cabaniss, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 225, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 225

Amend Senate Bill No. 225, Page 2, Line 16, by striking out the following words: "~~including social security number~~" and inserting in lieu thereof the following:

including a social security card,

Yeas 20; Nays 0.

Yeas:

Senators:	Covington	Ellis	Horn
Amari	deGraffenried	Figures	Manley
Bedford	Denton	Foshee	Rice
Bennett	Dial	Hale	Sanders
Cabaniss	Dixon	Hand	Windom
Corbett			

—20

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 547. To expand the enforcement authority of the Medicaid Agency of Alabama to ensure that compliance with nursing home reform enforcement provisions of the Omnibus Budget Reconciliation Act of 1987 P. L. 100-203 and any persons protection act by the 1989 Alabama Legislature are met.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Amari, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 547, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 547

A BILL
TO BE ENTITLED
AN ACT

This bill expands the enforcement authority of the Medicaid Agency of Alabama to ensure that compliance with nursing home enforcement process

reform provisions of the Omnibus Budget Reconciliation Act of the 1987 P.L. 100-203.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislature recognizes the increasing population of our Senior Citizens and the importance of ensuring that each receives quality health care. The Medicaid Agency of the State of Alabama, hereinafter referred to as "Medicaid", shall have the power to enforce specific remedies to ensure compliance with OBRA.

Section 2. This Act shall be known as "The Long Term Quality Health Care Act."

Section 3. Any reference contained in this Act to federal law or compliance with federal law shall be a reference to compliance with the Omnibus Budget Reconciliation Act of 1987 P. L. 100-203, hereinafter referred to as "OBRA."

Section 4. Where referred to in this Act, facility shall mean intermediate care facility and skilled nursing facility licensed by the State Board of Health. More specific definitions shall be established by the department pursuant to the Alabama Administrative Procedures Act in order to comply with OBRA.

Section 5. Medicaid is designated as the agency responsible to ensure compliance with the facility reform enforcement process provisions of OBRA. All funds received pursuant to this Act shall be deposited with the treasury to credit of Medicaid and are hereby continually appropriated for the purpose of carrying out the provision of this Act.

Section 6. Medicaid shall have such specific civil remedies of enforcement as is required by OBRA as a minimum state enforcement remedy. In order to ensure compliance with this Act, Medicaid rules and regulations and OBRA, Medicaid shall also specify criteria, as to when and how each of such enforcement remedies is to be applied, the amounts of any fines, and the severity of each of these remedies, to be used in the imposition of such remedies. Such criteria shall be designed so as to minimize the time between the identification of violations and final imposition of the remedies, and shall provide for the imposition of incrementally more severe fines for repeated or uncorrected deficiencies. Such enforcement remedies and criteria shall be promulgated by rule or regulation pursuant to the Alabama Administrative Procedures Act no later than October 1, 1989. Medicaid shall not have the power to implement such specific enforcement remedies until Medicaid has also adopted specific criteria as to when and how each of such remedies is to be applied, the amounts of any fines, and the severity of each of these remedies to be used in the imposition of such remedies.

Section 7. This Act shall in no way supersede, replace or affect the licensing and certification responsibilities or other regulatory functions of the Health Department. All health care facilities licensing authority shall remain the responsibility of the Department of Public Health upon and after the effective date of this Act.

Section 8. All revenue collected pursuant to assessing civil penalties shall be deposited in the State Treasury to the credit of Medicaid in a trust fund known as the Resident Protection Trust Fund. This fund is hereby appropriated to Medicaid to be expended for the purpose of protecting the health and property of residents in nursing facilities found deficient and for assisting with relocating indigent residents when an action is taken under

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the auspices of this Act. This fund may be used for the maintenance of a facility pending correction of deficiencies or closure and to reimburse residents for personal funds lost. All funds in excess of \$50,000 may be used to provide technical assistance to facilities to return to full compliance with this Act.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 11. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford	
Amari	Covington	Foshee	Manley	
Bailey	deGraffenried	Goodwin	Rice	
Bedford	Denton	Hale	Sanders	
Bedsole	Dial	Hand	Smith (B)	
Bennett	Dixon	Horn	Windom	
Cabaniss	Ellis			—25
Nays:				—0

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 79-43, the report of the Joint Study Committee on Agriculture was read and ordered filed with the Secretary.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Credit Union Board.

Respectfully submitted,
HOLMAN HEAD,
Executive Secretary.

Done this 26th day of April, 1989.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. James G. Lankford of Northport, Alabama, to the State Credit Union Board as an at-large member with term expiring February 2, 1992.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 26th day of April, 1989.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Credit Union Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Credit Union Board.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

Done this 26th day of April, 1989.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. John R. Stephenson of Birmingham, Alabama, as a member of the State Credit Union Board representing the Forum, with term expiring February 2, 1992.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 26th day of April, 1989.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Credit Union Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Board of Examiners of Landscape Architects.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

Done this 26th day of April, 1989.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. William R. Sorenson of Birmingham, Alabama, to the Board of Examiners of Landscape Architects, with term expiring January 3, 1992.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 26th day of April, 1989.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Examiners of Landscape Architects, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Educational Television Commission.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

Done this 26th day of April, 1989.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. John H. Mosley of Ozark, Alabama, to the Alabama Educational Television Commission for the term expiring June 25, 1998.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 26th day of April, 1989.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Educational Television Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Credit Union Board.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

Done this 26th day of April, 1989.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. William Thomas Magruder, Jr., of Mobile, Alabama, to the State Credit Union Board as an at-large member, term expiring February 2, 1992.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 26th day of April, 1989.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Credit Union Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 467. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 27, 1989, they adjourn to meet again on Tuesday, May 2, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 467, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Beers and Biddle:

H. J. R. 312. URGING THE SWIFT EXTRADITION OF CONVICTED FELON, WILLIAM SCHANK.

WHEREAS, the Alabama Legislature notes that William Schank was legally convicted of the 1975 savage murder of a one year old baby girl and sentenced to life imprisonment and also he was serving time for an unrelated burglary conviction and in 1982 through a ministerial error, unintentionally was released from the murder conviction rather than the prior, unrelated burglary conviction; and

WHEREAS, the Legislature notes that the erroneous release of William Schank was without intention and authority and he continued in the constructive jurisdiction and confinement by proper authorities and his departure from that jurisdiction and control makes him a fugitive from justice and free to return to this State to inflict injury and harm upon our citizens and the families of the slain baby are fearful for their lives; and he is a threat to the citizens of Chautauqua County, New York as well; and

WHEREAS, two governors of this State and the attorney general have repeatedly, since 1982, filed for extradition but the Chautauqua County, New York officials, particularly the county district attorney and the presiding judge of the proceedings have denied such extradition, and the Chautauqua County district attorney allegedly took six years to properly file the appropriate legal documents to appeal the judge's refusal to extradite convicted murderer William Schank; and

WHEREAS, the six-year delay in the extradition proceedings caused a five-judge court of appeals panel to state the New York Chautauqua County district attorney had abandoned the appeal and the convicted murderer is free to stalk our streets and harm our society; and

WHEREAS, the Alabama Legislature notes that Governor Mario Cuomo has approved the extradition of William Schank in the past and his office apparently supports such return; and

WHEREAS, Alabama officials are powerless to act because only the New York officials and the convicted felon have standing for the extradition proceedings, and only the New York officials have control of the return of William Schank to serve the legally imposed Alabama life term for the heinous infant murder, and to keep others safe from his repeated criminal acts in this state; it is apparent to this Legislature that the only recourse is to remove the New York jurisdiction from Chautauqua County, New York to one of the adjacent counties so that unbiased and competent officials can fulfill the charge of the United States Constitution, Article IV, Section 2, to return felons found in another state upon the demand of the executive authority of the state where charged and be removed to the state having jurisdiction of the crime, as has been directed by Governor Mario Cuomo and his staff; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body and our citizens are

outraged at the travesty of justice that has resulted in the repeated administrative obstacles that have caused the blatant disregard of the United States Constitution and the gross miscarriage of justice in the Schank proceedings.

RESOLVED FURTHER, That we do most strongly urge that Governor Mario Cuomo use every power and means at his disposal to remove the venue of the Schank extradition to another county because of the reprehensible and uncooperative conduct of the Chautauqua County, New York officials and their total disregard for the standard extradition processes honored by agreement developed between the states.

BE IT FURTHER RESOLVED, That this body does urgently request the swift return to this State of the convicted infant murderer, William Schank and that copies of this resolution be presented forthwith to the Honorable Mario Cuomo.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Senate concurred in and adopted the Resolution, H. J. R. 312, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hooper and Cosby:

H. J. R. 354. DESIGNATING "MANAGEMENT WEEK IN ALABAMA."

WHEREAS, the week commencing June 5, 1989, has been designated by the National Management Association as Management Week; and

WHEREAS, the National Management Association is an organization committed to the promotion of the free enterprise system, management as a distinct profession, and the certification of managers; and

WHEREAS, in the past, the management profession has significantly contributed to the strength and vitality of this country's economy, and in the future such skills will be particularly essential as we strive to strengthen and revitalize the economy of the State of Alabama; and

WHEREAS, the twenty Alabama Chapters of the National Management Association, with approximately 5,000 members, will join with other managers nationwide to honor the role and achievements of managers in our society during Management Week; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby designate the week commencing June 5, 1989, as Management Week in Alabama, and call upon the citizenry to recognize and participate in the observance of this worthy occasion.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Senate concurred in and adopted the Resolution, H. J. R. 354, the title of which is set out in the foregoing Message from the House.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Parsons:

S. 711. To exempt employees from paying any occupational tax or similar charge on any accrued vacation and sick leave.

Committee on Governmental Affairs.

By Senator Manley (With Notice and Proof):

S. 712. Relating to Conecuh County; to repeal Sections 8 and 9 of Act No. 86-322 of the 1986 Regular Session which relates to the composition, power and duties of the county governing body, so as to repeal the provisions pertaining to the county administrator and the county engineer.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 712, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Ellis, Parsons, and Amari:

S. 713. To provide for semi-annual audits of the State Employees' and Teachers' Retirement Systems and to provide for mailing of certified copies to individual members.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Perdue:

H. 79. To provide for the regulation of the practice of occupational therapy; to provide for a short title, a declaration of purpose and definitions in regard to regulation; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide for crimes

and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to provide for an effective date; to provide an appropriation for fiscal years 1988-89 and 1989-90; and to provide for other matters relative to the foregoing.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 79—to the Committee on Economic Affairs

RESOLUTION

Senators Hale, Dixon, Hand, Cabaniss, deGraffenried, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Campbell, Corbett, Covington, Denton, Dial, Drinkard, Ellis, Figures, Foshee, Goodwin, Hilliard, Holmes, Horn, Langford, Manley, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), Smith (J), and Windom requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

S. R. 210. COMMENDING KIRK PARSONS OF MONTGOMERY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Which was filed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Layson, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 401. NAMING A PORTION OF STATE HIGHWAY 86 IN HONOR AND IN HUMBLE TRIBUTE TO CHARLES W. DAVIS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 401, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Gaston (With Substitute):

H. 566. To authorize and provide the procedure for employees of certain counties, cities and towns to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

By Rep. Zoghby (With Substitute):

H. 485. To amend Sections 5-19-7 and 5-19-18, Code of Alabama 1975, relating to consumer finance, so as to provide that the provisions shall not apply to a consumer credit transaction that is repayable in a single payment.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Higginbotham:

H. 709. To amend Section 5-21-4, Code of Alabama 1975, which provides for a linked deposit plan for making low interest loans for qualified borrowers, so as to remove certain percentage restrictions on available investment portfolio funds used for said loans.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Drake:

H. 810. To create the office of Honorary Senator, Honorary Representative, and Honorary Lieutenant Governor of the State of Alabama and to provide for the requirements for holding such office.

By Reps. Rains, Hill, Burke, Seibels, Hooper, Moon, Carter, Johnson (RG), Turnham, Harvey, Higginbotham, Johnson (RW), Penry, Blake, Venable, Hammett, Flowers, Headley, Cosby, Beasley, Willis, Hogan, Clark (J), Logan, White (G), Marks, Laird, Bowling, Adams, Ford, Payne, Butler, Drake, Melton, Holley, Fuller, Campbell, Goodwin, Grouby, Haynes, Warren, Poole, Curry, Breedlove, Kvalheim, Gaston, Harper, Carothers,

Biddle, Hamilton, Gray, Richardson, McMillan, Dillard, Slaughter, Petelos, Williams, Turner, Knight, Sanderford, Blakeney, Brooks, and Mikell:

H. 401. Proposing an amendment to the Constitution of Alabama of 1901 designating English the official language of the state of Alabama.

The above Bill was read a second time at length as required by the Constitution.

By Reps. White (L) and Hooper:

H. 1022. Making the following amendments to Section 27-27-44, Code of Alabama, 1975, pertaining to the process by which a mutual insurance company may convert to a stock insurance company: subdivision (b) (4) is amended to allow for greater flexibility in defining the class of policyholders eligible to receive distributions of stock or surplus as a result of the conversion; and, subdivision (b) (5) is amended to allow for the distribution of stock in a proposed parent corporation of the converting insurer.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Richardson:

H. 479. To amend Sections 24-1A-5 and 24-1A-9 of the Code of Alabama 1975, relating to the powers of Alabama Housing Finance Authority and to the limitation on issuance of certain bonds by Alabama Housing Finance Authority, so as to provide further for such powers and such limitation on issuance.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Penry, Hamilton, and Lindsey:

H. 68. Notwithstanding any other penalty, to allow the Commissioner of Agriculture and Industries to impose civil penalties or fines after a hearing thereon for violations of Chapters 27 and 28 of Title 2, Code of Alabama (1975), and any regulations promulgated thereunder; to restrict the penalty to an amount not to exceed \$10,000 to any one person, firm, association or corporation, for an incident, or incidents arising out of the same transaction with maximum guidelines for said fines and penalties to be adopted by the State Board of Agriculture and Industries; to provide for appeals or review of the Commissioner's action to be heard by the State Board of Agriculture and Industries and that judicial review of the action of the State Board of Agriculture and Industries shall be as provided by the Alabama Administrative Procedures Act.

By Reps. Lindsey, Richardson, Warren, Blakeney, Hamilton, Penry, and Bryant:

H. 74. To amend §2-27-9, which provides for registration of pesticides and for appealing the action of the Commissioner in refusing to register a pesticide by increasing registration fees from \$15.00 per year to \$50.00 per

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year and to provide a delinquent penalty of \$50.00; to provide for registration of special local needs pesticides.

By Reps. Penry, McMillan, and Blakeney:

H. 159. To authorize the State Board of Health to inspect waters in which oysters are harvested and to close the oyster beds where the waters are declared unsafe for harvesting oysters for human consumption and to set a penalty for violations.

By Rep. Williams:

H. 168. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1990, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

By Rep. Laird:

H. 307. To establish a condemnation law of the State of Alabama for vehicles and equipment used in maliciously setting woodland or grassland fires and to further set forth a procedure whereby vehicles and equipment used in connection with such unlawful acts be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of Section 9-13-11 (a) (1) of the Code of Alabama 1975.

By Reps. Mathis, Carothers, and Beasley:

H. 451. To exempt for civil liability any negligent act, with the exception of acts amounting to willful or wanton misconduct, or fraud, or gross negligence committed by the Farm Crisis and Transition Program Commission, its employees, unpaid volunteers, or independent contractors hired by the Commission to work in the farm crisis program when said negligent acts are a direct result of work in the farm crisis program; to require that any information divulged by a person seeking aid under the farm crisis program, concerning finances or financial status be deemed confidential and divulging said information by the Farm Crisis Commission, its employees, its independent contractors or volunteers, to the public is a Class C misdemeanor.

Senator Foshee, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Turnham:

H. 1004. To amend Sections 32-8-2, 32-8-30, and 32-8-31, Code of Alabama 1975, relating to the Uniform Certificate of Title and Antitheft Act to alphabetized terms being defined; to define "mobile homes" and "travel trailers"; to provide for the titling of certain mobile homes and travel trailers; and to provide for the exemption from titling certain mobile homes and travel trailers.

By Rep. Turnham:

H. 1005. To amend Sections 40-23-2 and 40-23-61 of the Code of Alabama 1975 so as to provide for the taxation of materials and supplies used for mobile home set-up at the rate of 2%.

By Rep. Turnham:

H. 1006. To amend the state "casual" sales and use taxes levied under Sections 40-23-101 and 40-23-102 of the Code of Alabama 1975, as last amended by Act No. 867, H. 18 of the First Special Session 1988, to include any mobile home purchased other than at wholesale, from any person, firm or corporation which is not a licensed dealer engaged in selling mobile homes; to provide for the collection of said taxes; and to provide for the effective date.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Butler:

H. 790. To provide for the creation of a public corporation to be known as the "Alabama Supercomputer Authority" for the purpose of acquiring, developing and administering a state-wide supercomputer and related telecommunications system for use by governmental agencies, educational institutions and private-sector businesses and industries; to provide a procedure for incorporation; to provide for the management of the public corporation by a board of directors; to confer upon the public corporation certain powers and authorities; to provide for the appointment of a chief executive officer and staff; that the Authority will retain no intellectual property rights in products, processes, etc., developed through utilization of the system; to provide for the privacy, security and confidentiality of data maintained in the system; to transfer certain assets to the Authority; to provide for the collection and use of funds by the Authority; to provide for the tax-exempt treatment of the Authority and require it to operate as a nonprofit corporation; and to provide for the dissolution of the Authority:

By Rep. Marietta:

H. 728. To amend Section 9-17-3, Code of Alabama 1975, which relates to the state oil and gas board, to provide that each member of the state oil and gas board shall be entitled to an expense allowance of \$500.00 per month.

By Rep. Walker:

H. 605. To amend Act No. 952, H. 8, 1988 Second Special Session, which levies a state privilege tax on pari-mutuel pools, so as to provide remedial clarification regarding the intended pari-mutuel pools at the Mobile Greyhound Park subject to taxation under Act 88-952, and to provide that the amendments herein provided shall have a retroactive effect to October 30, 1988.

By Rep. Hill:

H. 518. Relating to the Teachers' Retirement System of Alabama, providing that any person employed in a circuit clerk's office may purchase credit for such service regardless of the manner in which such funds were

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paid or the source or such funds' providing for the cost of such credited service and providing for the expiration of this act.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hand (With Notice and Proof):

S. 690. Relating to Baldwin County; to establish a "Baldwin County Oil and Gas Severance Tax Trust Fund" on producers of oil and gas and other hydrocarbons, plus certain income or interest; to regulate and provide for the administration of the expenditures of such trust funds by the county commission; to provide for the maximum funding of said trust fund; to specifically repeal, following the full funding of such trust fund established with respect to Baldwin County, Act No. 2120, H. 2450, Regular Session 1971 (Acts 1971, Vol. V, p. 3399), as amended, relating to Baldwin County privilege tax on persons engaged in the business of producing or severing oil or gas or other hydrocarbons from the soil or the waters, to specifically provide that this bill shall not be construed to repeal that part of Title 40, Code of Alabama 1975, as amended, which provides for the levy of certain taxes upon the production or severing oil or gas from the soil or waters of the state; and to provide for non-severability construction and an effective date.

By Senator Hand (With Notice and Proof):

S. 701. Relating to Baldwin County; amending Act No. 80-497, H. 1059, 1980 Regular Session (Acts 1980, p. 769), authorizing the county commission to establish and designate historic districts in the county so as to provide further for definitions; applications and requirements for historic district and preservation district designations; enlarging designated historic district or preservation district; rescinding historic district or preservation district designation; and applications and requirements for rescission.

By Senator Hand (With Notice and Proof):

S. 702. Relating to Orange Beach in Baldwin County, so as to alter, rearrange and extend the boundary lines and corporate limits of the Town of Orange Beach.

By Senator Hand (With Notice and Proof):

S. 703. Relating to the Town of Orange Beach in Baldwin County; to alter and rearrange the boundary lines and corporate limits of the Town of Orange Beach by removing certain parcels of land; and to further alter and rearrange the said boundary lines and corporate limits of Orange Beach by adding certain parcels of land, subject to the referendum election approval by a majority of the electors residing within the territory proposed to be brought within.

By Reps. Butler, Freeman, and Sanderford (With Notice and Proof):

H. 577. Relating to Madison County; to authorize the county commission to designate an official county historian and appropriate an honorarium for same.

By Reps. Hall and Freeman (With Notice and Proof):

H. 655. Relating to Madison County; to exempt the Optimist Club of Hazel Green, Inc., from all county or local ad valorem taxation.

By Reps. Layson and Newman (With Notice and Proof):

H. 909. Relating to the 24th judicial circuit; amending Section 1 of Act No. 86-553, S. 641, of the Regular Session of 1986 (Acts 1986, p. 1127), which provides a monthly expense allowance for the presiding judge, so as to remove the restriction on such allowance to certain travel expenses.

By Reps. Layson and Newman (With Notice and Proof):

H. 910. Relating to the 24th judicial circuit; amending Section 1 of Act No. 86-691, H. 123, of the First Special Session of 1986 (Acts 1st Special Session 1986, p. 96), which provides a monthly expense allowance for the district attorney, so as to remove the restriction on such allowance to certain travel expenses.

By Rep. Hogan (With Notice and Proof):

H. 892. Relating to Walker County; to provide monies to the Juvenile Court Advisory Committee Fund in order to finance any group homes, detention facility, shelter care facility or Court, Juvenile Court or Municipal Courts of Walker County, Alabama.

By Rep. Lindsey (With Notice and Proof):

H. 986. Relating to Cherokee County, to alter, rearrange and extend the boundary lines and corporate limits of the Town of Leesburg, in Cherokee County, Alabama.

By Rep. Hogan (With Notice and Proof):

H. 868. Relating to Walker County, providing further for the compensation of the county treasurer.

By Rep. Hogan (With Notice and Proof):

H. 869. Relating to Walker County; to amend Section 3 of Act No. 1067, S. 938 of the 1973 Regular Session (Acts 1973, p. 1802), as amended, relating to the county commission, so as to provide further for the meetings of said commission.

By Senator Smith (J) (With Notice and Proof):

S. 683. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County, annexing certain territory to the city.

By Senator Bedford (With Notice and Proof):

S. 710. Relating to Lamar County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Lamar County; and providing for a referendum election.

By Rep. Haynes (With Notice and Proof):

H. 303. Relating to Talladega County; authorizing the county to pay all of its employees whose compensation is provided for by local act, on a

bi-weekly basis instead of a semi-monthly basis; to provide that the provisions of this act are supplemental and are to be construed in pari materia with other laws regulating compensation; and to provide further that those laws or parts of laws that are in direct conflict or inconsistent with this act are repealed hereby.

By Reps. Starkey, Hamilton, and Goodwin (With Notice and Proof):

H. 693. Relating to the City of Florence; to provide for the establishment of a civic center; to provide for the creation of a public corporation hereinafter called "the Authority," for the purpose of establishing, maintaining and operating such civic center; to provide that the Authority shall be governed by a board of directors and that its affairs shall be managed and controlled by the board of directors; to define the powers and authority of the board of directors, including the power to construct, maintain, control, operate and manage a civic center and to borrow money and issue revenue bonds for such purpose; to prescribe the membership of the board of directors, the terms of office of the members thereof and to provide for their appointment and compensation; to prescribe the duties of the board of directors; to confer upon the Authority the power of eminent domain; to prescribe the type of buildings which may be erected as a part of such civic center and the use of such buildings; and to authorize the municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of the municipality.

By Reps. Hamilton and Starkey (With Notice and Proof):

H. 695. Relating to Lauderdale County; authorizing the county commission to levy an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at a certain rate; to provide for the collection and payment of such tax and to provide for the distribution of the funds derived therefrom; to authorize the Lauderdale County Commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Lauderdale County Commission for the collection of said taxes.

By Rep. Britnell (With Notice and Proof):

H. 948. Relating to Marion County, to amend Act No. 79-259, H. 665 of the 1979 Regular Session (Acts of 1979, p. 399) pertaining to the county commission's authority in regard to constructing and maintaining certain roads and driveways, so as to grant said authority to municipalities located in Marion County.

By Rep. Parker (With Notice and Proof):

H. 1025. Relating to Lawrence County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Lawrence County 2015 Commission"; to provide for the composition, officers and duties of the commission.

By Rep. Parker (With Notice and Proof):

H. 1026. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780 of the 1986 Regular Session (Acts 1986, p. 595) relating to

the salary and expense allowances of the county superintendent of education so as to provide further for such salary and allowances.

By Rep. Parker (With Notice and Proof):

H. 1027. Relating to Lawrence County; providing for the establishment of a system for assessment and collection of taxes and issuance of licenses under the supervision of elected county officials designated as county revenue commissioner and county license commissioner upon referendum approved by the electors of the county.

By Rep. Parker (With Notice and Proof):

H. 1029. Relating to Lawrence County, to increase certain court costs and provide for the distribution of the additional court costs.

By Rep. Lindsey (With Notice and Proof):

H. 1031. Relating to Cherokee County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

By Rep. Venable (With Notice and Proof):

H. 1035. To authorize the governing body of Wetumpka to establish an Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within Wetumpka, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedure for operations and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; and to provide for appeals and other judicial processes.

By Rep. Lindsey (With Notice and Proof):

H. 1037. Relating to Cherokee County; approving and authorizing the Cherokee County Commission to levy a certain increase in the ad valorem tax presently being levied in accordance with Amendment No. 373 to the Constitution of Alabama of 1901; providing that such increased countywide ad valorem tax shall be levied and collected by Cherokee County for each year beginning with the levy for the tax year October 1, 1989 to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2008 to September 30, 2009 (the tax for which year will be due and payable October 1, 2009) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Cherokee County at a special election called and held in accordance with the laws governing special elections.

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By Rep. Lindsey (With Notice and Proof):

H. 1038. To promote the maintenance of Cherokee County's natural beauty by eliminating unsightly and unhealthy litter; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Cherokee County Health Department to enforce littering laws in Cherokee County; and to prescribe fines for violations.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Fuller:

H. 698. To appropriate the sum of \$260,000 from the Alabama Special Educational Trust Fund to the Department of Postsecondary Education for the fiscal year ending September 30, 1989.

FURTHER CONSIDERATION OF S. B. 31

The hour of 5 o'clock P.M. having arrived, the Senate proceeded to further consideration of the Bill:

S. 31. To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

The question was on the Corbett substitute for the Bedsole substitute No. 2, which said substitute is set out in the Journal of the Senate for the Twenty-Second Legislative Day.

On motion of Senator Bedsole, said substitute was laid on the table.

Yeas 20; Nays 5.

Yeas:

Senators:	deGraffenried	Ellis	Hand
Bailey	Denton	Figures	Horn
Barron	Dial	Foshee	Manley
Bedsole	Dixon	Goodwin	Rice
Cabaniss	Drinkard	Hale	Smith (B)
Covington			

—20

Nays:

Senators:	Corbett	Sanders	Windom
Bedford	Parsons		

—5

The question recurred on the Bedsole substitute No. 2, which said substitute is set out in the Journal of the Senate for the Eighteenth Legislative Day.

On motion of Senator Bedsole, said substitute was laid on the table.

Senator Bedsole then offered the following substitute No. 3 for the Bill, S. B. 31, to-wit:

SUBSTITUTE NO. 3 FOR S. B. 31

**A BILL
TO BE ENTITLED
AN ACT**

To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislature hereby declares that the threat of a spread of wildfire in our forest lands is a matter of major concern. The purpose of this act, therefore, is to provide forestry assistance and to secure the protection from, and the prevention of, forest fires. This act should be liberally construed to achieve these purposes.

Section 2. As used in this act, the following words shall have the meanings stated below, unless the context requires otherwise:

a. Commission. The Alabama Forestry Commission.

b. Forest Land. Any land which supports a forest growth or which is being used or reserved for any forest purpose and is classified as Class III forest property in Section 40-8-1 (b) (3), Code of Alabama 1975, but excludes land within the city limit of any incorporated municipality.

c. Owner. Any person who is engaged in and has an economic risk in the business of producing or causing to be produced, for market, forest or timber products.

d. Person. Any individual, partnership, corporation, company, society, or association, or other business entity.

e. Lessee. Any person who leases land for a period over five years for the purpose of producing or causing to be produced, for market, forest or timber products.

Section 3. The forestry and fire prevention program provided for in this act shall be administered by the Alabama Forestry Commission. The Commission shall have the authority to adopt such rules and regulations as it deems necessary to effectuate the purposes of this act.

Section 4. There is hereby levied in this state a finance charge, fee or assessment on forest land owned or leased by any person. Proceeds generated in each county shall be earmarked for use in the respective county where raised to provide for forest fire protection and similar forestry services within the county.

Section 5. The charge, fee, or assessment will be levied and collected in the same manner as ad valorem taxes are levied and collected. All revenues or monies collected under the provisions of this act shall be distributed by the office of the county tax collector, or person charged with the collection of taxes, to the Commission. The first assessment and collection of the levy provided for herein shall be during and for the fiscal (tax) year beginning October 1 next following the satisfaction of all prerequisites required herein for imposition of the levy herein provided.

Section 6. a. The commission shall authorize a referendum among owners or lessees of forest land to determine whether an assessment shall be levied upon said owners or lessees to offset, in whole or in part, the cost of forestry and forest fire protection programs.

b. The assessment levied against each owner or lessee under this act shall be ten cents (\$.10) per acre of forest land owned.

c. All affected owners or lessees of forest land shall be entitled to vote in any such referendum. The Commission shall determine any questions of eligibility to vote and shall establish rules and regulations pertaining to the vote.

d. If a majority of those voting at the referendum vote in favor of the assessment, then the charge, fee or assessment shall be collected from the owners or lessees of forest land. The finance charge, fee or assessment levied by this act shall not be effective until a majority vote is obtained according to guidelines established by the Commission.

e. The finance charge, fee or assessment shall be due and payable at the same time as county ad valorem taxes. The assessments collected in each county under this act shall be promptly remitted to the Commission under such terms and conditions as the State Forester shall deem necessary to ensure that such assessments are used in a sound forestry program and for the prevention of and protection against forest fire.

f. With respect to any referendum conducted under the provisions of this article, the duly certified organization shall, not less than 30 days before the date of such referendum, cause to be published at least once a week for three weeks in a newspaper of county-wide circulation the date, hours, polling places and rules for voting in the referendum, the amount and basis of the assessment proposed to be collected, the means by which such assessment shall be collected, and the general purposes to which said amount so collected shall be expended and applied. Such notice shall be published by the certified organization through the medium of an established forestry publication and written notice therefore shall be given to each county agent and Alabama Forestry Commission supervisor in this state.

Section 7. The arrangements for the place, time and management of any referendum held under this act shall be under the direction of the Commission. The Commission shall bear all expenses incurred in conducting the referendum, including the furnishing of ballots and arranging for the necessary poll holders.

Section 8. In the event the referendum conducted under this act fails to receive the required number of affirmative votes, the Commission may call another referendum after the expiration of two years.

Section 9. a. An owner or lessee of forest land who fails to pay, upon reasonable notice, any assessment levied under this act shall, in addition to the assessment, be subject to a per acre penalty as established by the Commission's rules and regulations.

b. Any finance charge, fee, or assessment levied shall constitute a lien on the property against which it is levied. In case of default in the payment of such finance charge, fee, or assessment, the subject land may be sold in the same manner and under the same conditions that lands are sold for the satisfaction of liens for county ad valorem taxes, provided, however, no sale of the subject land may occur within three years from the date of said

default, and redemption from such sale may be effected in the same manner as is provided by law for redemption where land is sold for nonpayment of ad valorem taxes.

Section 10. Any county may, by local legislation, increase the amount of the finance charge, fee or assessment provided for in this act, but is hereby prohibited from decreasing said amount.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. Assessments, fees, or other charges collected as authorized under authority hereof shall not be considered as a tax within the meaning of the constitution of Alabama of 1901, or any provision of the Code of Alabama 1975.

Section 13. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the provisions of this act.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Langford	
Bailey	Covington	Foshee	Manley	
Barron	deGraffenried	Goodwin	Rice	
Bedford	Denton	Hale	Smith (B)	
Bedsole	Dixon	Hand	Smith (J)	
Cabaniss	Drinkard	Horn	Windom	
Campbell				—24

Nays: —0

And said Bill, S. B. 31, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23; Nays 3.

Yeas:

Senators:	Campbell	Drinkard	Horn	
Bailey	Covington	Figures	Langford	
Barron	deGraffenried	Foshee	Manley	
Bedford	Denton	Goodwin	Rice	
Bedsole	Dial	Hale	Smith (B)	
Cabaniss	Dixon	Hand	Windom	—23

Nays:

Senators:	Amari	Corbett	Ellis	—3
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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Zoghby and Clark (J):

H. 358. Relating to real estate appraisers; providing for the licensing and certification of real estate appraisers, creating and establishing the real

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estate appraiser's board of directors; providing for the membership of such board and for the compensation, powers and duties of its members; providing definitions that will apply to the act; providing for the licensing and certification of real estate appraisers and for the renewal, suspension and revocation thereof; providing for the Real Estate Appraiser's Board Fund in the state treasury; providing for deposits into and disbursements from such fund; providing for an appropriation from such fund to the Real Estate Appraiser's Board for the 1988-89 fiscal year and the 1989-90 fiscal year; prescribing fees that may be set and regulated by such board; prescribing penalties for enforcement of this act and prescribing various procedures and regulations for the administration of the provisions of this act.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 358—to the Committee on Business and Labor Relations

BILLS ON THIRD READING

Senator Dixon requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 580. To amend Section 32-6-254 of the Code of Alabama 1975, which provides for the use and transferability of distinctive license plates for former prisoners of war so as to provide further for widows of such persons to obtain said plates.

Senator Dixon offered the following amendment to the Bill, S. B. 580, to-wit:

AMENDMENT TO S. B. 580

Amend S. B. 580 as follows:

In the synopsis on page 1, line 10, after the word "war" insert the following:

"and recipients of the medal of honor"

Further amend S. B. 580 in the title on page 1, line 20, after the word "war" by inserting the following:

"and recipients of the medal of honor"

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Amari	Campbell	Foshee	Rice	
Bailey	deGraffenried	Hale	Sanders	
Bedford	Denton	Horn	Smith (B)	
Bedsole	Dixon	Langford	Windom	—19
Nays:				—0

And said Bill, S. B. 580, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Covington	Ellis	Langford
Amari	deGraffenried	Foshee	Rice
Bailey	Denton	Goodwin	Sanders
Bedford	Dial	Hale	Smith (B)
Cabaniss	Dixon	Horn	Windom
Corbett			

20

Nays:

—0

Senator Smith (B) requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 654. To amend Section 11-89A-6, Code of Alabama 1975, relating to solid waste disposal authorities, so as to provide that the board of directors consisting of three members may be expanded to consist of either five or seven members total; to provide for the terms of any additional members; and to provide for an effective date of this act.

And said Bill, S. B. 654, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24; Nays 0.

Yeas:

Senators:	Covington	Figures	Manley
Bailey	deGraffenried	Foshee	Parsons
Bedford	Denton	Goodwin	Rice
Bedsole	Dial	Hale	Sanders
Cabaniss	Dixon	Horn	Smith (B)
Campbell	Ellis	Langford	Windom
Corbett			

—24

Nays:

—0

Senator Bailey requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 113. To amend Sections 41-15-1 through 41-15-6 and 41-15-8, 41-15-9, 41-15-11, Code of Alabama 1975, relating to the State Insurance Fund, so as to provide increased discounts for all insured, establish the office of risk manager, provide further for surveys of insured property and appurtenances, provide for delinquent fees and to repeal Section 41-15-7, Code of Alabama 1975.

And said Bill, S. B. 113, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons
Bailey	deGraffenried	Foshee	Rice
Bedford	Denton	Goodwin	Sanders
Cabaniss	Dial	Hale	Smith (J)
Corbett	Dixon	Langford	Windom

—19

Nays:

—0

Senator Cabaniss requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 576. To amend Section 32-6-3 of the Code of Alabama 1975, relating to examinations prior to application for driver's license so as to require drug testing prior to obtaining a driver's license.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 576, to-wit:

SUBSTITUTE FOR S. B. 576

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 32-6-3 of the Code of Alabama 1975, relating to examinations prior to application for driver's license so as to require drug testing prior to obtaining a driver's license.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-6-3 of the Code of Alabama 1975, is hereby amended to read as follows:

“§32-6-3.

“(a) Every person who applies for an original driver's license under the provisions of this article shall be given an examination and take a drug test before he makes application to the judge of probate or license commissioner for the issuance of a driver's license. Such person must first apply to the officer, state trooper or duly authorized agent of the director of public safety, or one of them where there is more than one, designated by the director of public safety to conduct examinations for the county of the applicant's residence, and a minor must furnish the required drug test certification and a certified copy of his birth certificate or a certified statement from the county superintendent of education of the county in which he resides or the superintendent of the school which he attends to prove that he is at least 16 years of age, and he shall immediately be examined. The drug test provided for in this act must be taken within thirty days prior to the date application is made for a driver's license.

“(b) A person may be examined in a county other than the county designated by the director of public safety by agreement in writing between him and the director of public safety.

“(c) The director of public safety shall promulgate reasonable rules and regulations not in conflict with the laws of this state as to the kind of examination or and drug test including, but not limited to the use of the Standard Urine Drug Screen Test, to be given and the method and manner of giving the same and ascertaining and reporting the results thereof. Reports of all drug testings and examinations shall be on forms and certificates provided by the director of public safety and must show whether or not the applicant passed the drug test and examination.

“(d) If the applicant passes his examination and provides the required drug certification, he shall then be given a certificate to that effect, on a form provided by the director of public safety by the officer, state trooper or duly authorized agent of the director of public safety conducting the same, and he shall present said certificate to the judge of probate or license

commissioner of his county together with his application for a driver's license, and the judge of probate or license commissioner shall attach the certificate to the application and forward the same to the director of public safety along with the application at the time the application is sent to him.

“(e) If any person fails to pass the examination given or fails to provide the required drug certification, no certificate shall be given to him, and no application for an original driver's license shall be accepted by a judge of probate or license commissioner unless it is accompanied by a certificate showing that the applicant has passed the drug test and the examination herein provided for.

“(f) A person who secures a renewal of his license in the manner herein provided shall not be required to take such examination unless the director of public safety deems it advisable to require him to take the same. In such cases, where the director of public safety deems it advisable for any reason to require any person who has already been issued a driver's license to take an examination, he shall notify such person in writing by letter sent to the address given by him on his application at least 10 days before the date on which the examination or test is given of the time and place for the county of his residence where the same shall be given. The examination given to such person shall be conducted in the same manner and the result thereof ascertained and reported in the same way as examinations are given to persons applying for an original driver's license.

“(g) Failure of any person to appear after notice to take such examination or test, or refusal by any person to take such examination or test, shall be grounds for suspension or revocation of his license by the director of public safety. Any person to whom such examination or test is given who fails to pass such examination or test shall have his license revoked by the director of public safety.”

“(h) The cost of the drug test required by this amendatory act shall be paid by the applicant.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Judiciary then reported the following amendment to the substitute for the Bill, S. B. 576, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 576

Amend S. B. 576, Page 1, Line 27, as follows:

Add the following language after the word “test”, “and furnish the drug test certification showing that he has passed the drug test”

Further amend on Page 1, Line 34, and Page 2, Line 1, by striking out the following language:

~~“the required drug test certification and”~~

Which was adopted.

And said substitute, as thus amended, was then adopted.

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Yeas 24; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Langford
Bailey	Corbett	Figures	Manley
Barron	deGraffenried	Foshee	Parsons
Bedford	Denton	Goodwin	Rice
Bedsole	Dial	Hale	Smith (J)
Bishop	Dixon	Hilliard	Windom
Cabaniss			

—24

Nays: —0

Senator Corbett offered the following amendment to the Bill, S. B. 576, as amended by the substitute, as amended, to-wit:

AMENDMENT TO S. B. 576, AS AMENDED

Amend S. B. 576, as amended,

On page 2 in subsection (c), in line 16, delete "including, but not"

Further amend S. B. 576 as amended, as follows:

On page 2 line 13 delete the present paragraph "(c) and substitute in lieu thereof the following:

"(c) The director of public safety shall promulgate reasonable rules and regulations not in conflict with the laws of this state as to the kind of examination or to implement this drug test and certification to be given and the method and manner of giving the same and ascertaining and reporting the results thereof. Reports of all examinations shall be on forms provided by the director of public safety and must show whether or not the applicant passed the examination. The drug test will be limited to a standard urine drug screen test and the county health departments shall provide such test at actual cost, however, this cost shall not exceed \$20.00.

Further amend S. B. 576, as amended,

on page 3 add a new subsection (i) as follows:

(i) It is expressly provided that no provision of this act shall include any blood test.

Which was adopted.

Yeas 22; Nays 1.

Yeas:

Senators:	Cabaniss	Dixon	Langford
Bailey	Campbell	Ellis	Manley
Barron	Corbett	Figures	Parsons
Bedford	Covington	Goodwin	Rice
Bedsole	deGraffenried	Hale	Windom
Bishop	Denton	Hilliard	

—22

Nay: Senator Dial —1

And said Bill, S. B. 576, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Dial	Hale	
Bailey	Campbell	Dixon	Hilliard	
Barron	Corbett	Ellis	Manley	
Bedford	Covington	Figures	Smith (J)	
Bedsole	deGraffenried	Foshee	Windom	
Bishop	Denton	Goodwin		—22

Nays:

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MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 965. Relating to Lee County; providing that the Lee County Commission shall be authorized to levy sales and use taxes outside the corporate limits of the Cities of Auburn and Opelika generally paralleling the state sales and use taxes but limited in amount as set out herein, with the same exemptions and exclusions; providing for the collection of such tax by the State Department of Revenue; providing for the distribution and use of the proceeds; and repealing Act No. 88-400, H. 886, 1988 Regular Session.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 540. Relating to Jefferson County; to further amend Sections 18 and 20 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the certification of five names to fill vacancies in positions other than department head or entry-level police or firefighter positions at the option of the appointing authority, and to provide for related matters.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 31. To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

BILL DRINKARD,
Chairperson.

FURTHER CONSIDERATION OF S. B. 303

The Senate proceeded to further consideration of the Bill:

S. 303. Restructuring the office and compensation of, and certain powers, functions and responsibilities of the commissioner of insurance and the department of insurance, so as to make such commissioner an elected officer of the state and providing that the annual salary of such official shall be made similar to certain total compensation of certain public service commissioners; extensively revising the rate-making procedures and processes; making available to the public certain statistics, documents and data, involving certain insurance rates, requiring certain minimal data in the annual reports of insurers; providing further for the conduct of the hearing procedures and processes, notices and appeals incident thereto relating to rates; increasing certain misdemeanor penalties to felony offenses; any laws or part of laws in direct conflict herewith are repealed only to the extent there is a direct conflict with the provisions of this act; and the following sections of the Code of Alabama 1975, as amended, are further amended: Sections 27-2-2 and 27-2-4, Code of Alabama 1975, as amended, relating to the filling of the office and salary of the commissioner of insurance, so as to provide further therefor; and amending Section 27-3-26, relating to annual statements, so as to provide further therefor; amending Section 27-13-66, Code of Alabama 1975, as amended, relating to rates and rate-making organizations and statistical reporting, so as to prohibit the keeping of certain reasonable information from public scrutiny; amending Section 27-13-68, Code of Alabama 1975, as amended, relating to orders, rules and regulations affecting rates and appeals therefrom, so as to provide further therefor; repealing Section 27-13-71, relating to alteration, supplementation, and amendment of rating plans; repealing Section 27-13-72, relating to applications for uniform percentage increases or decreases in rates by insurers; repealing Section 27-13-80, relating to notices, hearing, and orders of the commissioner; and by amending Sections 27-13-81 and 27-13-83, relating to rates, rating organizations, and notices, hearings, procedures for review of orders and penalties for violations of orders, so as to further provide for the procedures, notice requirements, the bonding requirements; and increasing the penalties for violations to a felony crime.

having been postponed subject to the call of the Chair on the Twenty-Fourth Legislative Day, was again taken up.

The Standing Committee on Natural Resources reported the following substitute for the Bill, S. B. 303, to-wit:

SUBSTITUTE FOR S. B. 303

A BILL TO BE ENTITLED AN ACT

Restructuring the office and compensation of, and certain powers, functions and responsibilities of the commissioner of insurance and the department of insurance, so as to make such commissioner an elected officer of the state and providing that the annual salary of such official shall be made similar to certain total compensation of certain public service commissioners; extensively revising the rate-making procedures and processes; making available to the public certain statistics, documents and data, involving certain insurance rates, requiring certain minimal data in the statements and reports of insurers; providing further for the conduct of the hearing procedures and processes, notice and appeals incident thereto relating to rates; increasing certain misdemeanor penalties to felony offenses; any laws or part of laws in direct conflict herewith are repealed only to the extent there is a direct conflict with the provisions of this act; and the following sections of the Code of Alabama 1975, as amended, are further amended: Sections 27-2-2 and 27-2-4, Code of Alabama 1975, as amended, relating to the filling of the office and salary of the commissioner of insurance, so as to provide further therefor; and amending Section 27-3-26, relating to annual statements, so as to provide further therefor; amending Section 27-13-66, Code of Alabama 1975, as amended, relating to rates and rate-making organizations and statistical reporting, so as to prohibit the keeping of certain reasonable information from public scrutiny; amending Section 27-13-68, Code of Alabama 1975, as amended, relating to orders, rules and regulations affecting rates and appeals therefrom, so as to provide further therefor; repealing Section 27-13-72, relating to applications for uniform percentage increases or decreases in rates by insurers; repealing Section 27-13-80; relating to notices, hearing, and orders of the commissioner; and by amending Sections 27-13-81 and 27-13-83, relating to rates, rating organizations, and notices, hearings, procedures for review of orders and penalties for violations of orders, so as to further provide for the procedures, notice requirements, the bonding requirements; and increasing the penalties for violations to a felony crime.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 27-2-2 and 27-2-4, Code of Alabama 1975, as amended, are hereby further amended to read as follows:

“§27-2-2.

“(a) A commissioner of insurance shall be chief executive officer of the department. The commissioner shall be elected on the first Tuesday after the first Monday in November 1990, and every fourth year thereafter, in accordance with the laws of this state appointed by the governor. He shall serve for a term concurrent with that of the governor by whom he is appointed, or for the unexpired portion thereof.

“(b) ~~The commissioner shall be selected with special reference to his training, experience and capacity. He shall not be a candidate for, nor hold,~~

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~~any other public office of trust nor be a member of any political committee. If he becomes a candidate for public office or becomes a member of a political committee, his office as commissioner shall be immediately vacated."~~

"§27-2-4.

~~"(a) The commissioner shall receive such an annual salary as fixed by the governor in the same manner as in the amount salaries of the total compensation of other appointive department heads, including expense allowances and other benefits, sixty thousand dollars (\$60,000).~~

Such salary shall be payable in the same manner as other state employees are paid.

~~"(b) The commissioner shall devote his entire time to the duties of his office."~~

Section 2. Section 27-3-26, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

"§27-3-26.

~~"(a) (A) Each authorized insurer shall, annually on or before March 1 or within such extension of time not exceeding 30 days after March 1 as the commissioner for good cause shown may grant as to a particular insurer, file with the commissioner a full and true statement of its financial condition, transactions and affairs as of the December 31, preceding. In addition, each insurer licensed to write property and casualty insurance shall be required to submit on or before June 1st, 1990 a statement on a form furnished by the commissioner showing its direct writings in this state, as of the effective date of this Act. Further, upon application for any rate increase by an insurer licensed to write property and casualty insurance, and at such other time as requested by the commissioner, said insurer will be required to submit a statement on a form furnished by the commissioner showing its direct writings in this state as of the date of the application, or request, but no less frequent than every 4th year from the date of last submission. Further, any insurer writing property and casualty insurance applying to do business in this state shall be required to file such statement on its data specific to each state in which said insurer does business.~~

~~"(B) The statement required by this section relating to property and casualty insurance shall include but not be limited to the following types of insurance written by such insurer:~~

~~"(1) political subdivision liability insurance reported separately in the following categories:~~

~~"a. municipalities;~~

~~"b. school districts; and~~

~~"c. authorities;~~

~~"(2) public official liability insurance;~~

~~"(3) dram shop or tavern owners liability insurance;~~

~~"(4) day-care center liability;~~

~~"(5) errors and omissions liability insurance;~~

"(6) officers and directors liability insurance reported separately as follows:

"a. nonprofit entities; and

"b. for-profit entities;

"(7) products liability insurance;

"(8) medical malpractice insurance;

"(9) attorney malpractice insurance;

"(10) architect and engineer malpractice insurance;

"(11) motor vehicle insurance;

"(12) nurse-midwife insurance; and

"(13) any other category of insurance deemed appropriate by the commissioner.

"(C) (1) Such statement relating to property and casualty insurance shall also include the following data, both specific to this state and also the geographical area encompassed by any rating organization of which said insurer is a member, for the previous year ending on the thirty-first day of December:

"a. Direct premiums written;

"b. Direct premiums earned;

"c. Net investment income, including net realized capital gains and losses, using appropriate estimates where necessary;

"d. Actual incurred expenses allocated separately to loss adjustment, commissions, other acquisition costs, advertising, general office expenses, taxes, license and fees, and all other expenses;

"e. Net underwriting gain or loss;

"f. Net operation gain or loss, including net investment income;

"g. The number and dollar amount of claims closed with payment by year incurred, the amount reserved for each claim, the year(s) in which the reserves were set, and the amounts set in each year;

"h. The number of claims closed without payment, the dollar amount reserved for each claim; the years in which reserves were set, and the amounts set in each; and,

"i. The number of claims pending at the end of each year, the amount reserved for each claim, the year(s) in which the reserves were set, and the amounts set in each year.

"(D) It shall be the duty of the commissioner to annually compile, and review all such statements submitted by insurers pursuant to this section to determine the appropriateness of premium rates for property or casualty insurance in this state. The commissioner's findings, the filings, and a summary of the filings shall be published and provided to the appropriate committees of the legislature and made available to any interested insured or citizen.

"(E) Except as specifically set out in Sections B & C, the statement shall be in such general form and context as is in current use for similar reports to states in general with respect to the type of insurer and kinds of insurance to be reported upon and as supplemented by additional information required by the commissioner. The statement shall be verified by the oath of the insurer's president or vice-president and secretary or actuary as applicable or, if a reciprocal insurer, by the oath of the attorney-in-fact or its like officers if a corporation.

"(b) (F) The statement of an alien insurer shall be verified by the insurer's United States manager or other officer duly authorized and shall relate only to its transactions and affairs in the United States, unless the commissioner requires otherwise. If the commissioner requires a statement as to the alien insurer's affairs throughout the world, the insurer shall file such statement with the commissioner as soon as reasonably possible.

"(e) (G) The commissioner may in his discretion suspend or revoke the certificate of authority of an insurer failing to file its annual statement when due. In addition the insurer shall be subject to a penalty of \$250.00 daily until this section is complied with, such penalty to be collected by the commissioner, if necessary, by a civil action therefor brought by the commissioner in the circuit court of Montgomery county, unless waived by the commissioner upon a showing by the insurer of good cause for its failure to file its statement on or before the date due.

"(d) (H) At time of filing, the insurer shall pay the fee for filing its annual statement as prescribed by section 27-4-2.

"(e) (I) In addition to information called for and furnished in connection with its annual statement, an insurer shall furnish promptly to the commissioner such information with respect to any of its transactions or affairs as the commissioner may, from time to time, request in writing."

Section 3. Section 27-13-66, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

"§27-13-66.

"Every insurer shall file annually on, or before, July 1, with the rating organization of which it is a member or subscriber, or with such other common agency representing a group of insurers as the department may approve, and with the department a statistical report showing its premiums and its losses on all kinds of insurance to which this article is applicable, together with such other information as the department may deem necessary for the proper determination of the reasonableness and adequacy of rates. Such statistical report filed with the rating organization may be consolidated and filed by such common agency. Such data shall be kept and reports made in such manner and on such forms as may be prescribed by the commissioner. All such annual filings with the department shall be kept under lock and key, and any official or employee of the department who shall divulge the contents or permit the examination thereof, except for the purpose of properly administering the provisions of this article or upon the order of court, shall be guilty of a misdemeanor and shall thereafter be ineligible to be an employee or agent of said department public records and subject to inspection by the public. Reasonable rules and plans may be promulgated by the commissioner, after consultation with all insurers and rating organizations affected thereby, for the interchange of loss experience necessary for the application of rating

plans. In order to further uniform administration of rating laws, the commissioner and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult and cooperate with them with respect to rate-making and the application of rating systems. The commissioner may make reasonable rules and regulations necessary to effect the purposes of this article."

Section 4. Sections 27-13-68, 27-13-81 and 27-13-83, Code of Alabama 1975, as amended, are hereby further amended to read as follows:

"§27-13-68.

"(A) Any law to the contrary notwithstanding, the commissioner of insurance may hold a public hearing on any application for any rate increase or increase by any property, casualty or liability insurer or rating organization on behalf of any such insurer, wherein the attorney general, any consumer organization, or any person, firm, or corporation affected thereby requests same within 15 days of the notification required by this section.

"(B) Upon the filing required by title 27-13-67, Code of Alabama 1975, as amended, the commissioner of insurance may set a date and time for hearing thereon which shall be held in not less than 45 days, nor more than 90 days from the date of filing and which shall be held in the department at Montgomery, Alabama, or at any other place in the state more convenient to the parties, and witnesses, as the commissioner determines. Such insurer or rating organization shall at the time of filing give notice of such filing, the substance thereof, the date, time, and place thereof and that a copy of the information relied upon for such rate increase has been filed with the commissioner of insurance which may be examined by the public, by publication 4 weeks in a newspaper of general circulation in Montgomery County, the attorney general of the state of Alabama, and such other persons or entities which have notified, in writing, the commissioner of insurance that they wish to receive notice of any such filings. The commissioner of insurance shall make available to all such insurers or rating organizations a list of the names and addresses of all such persons or entities which have so requested such notice. Upon giving notice as herein required, such insurer or rating organization shall verify under oath the fact of such notice to the insurance commissioner.

"(C) The attorney general of the state of Alabama, any consumer organization, and every person, firm, or corporation affected by such filing may become a party to such hearing by giving notice hereof to the commissioner and such insurer or rating organization.

"(D) The commissioner may preside at the hearing and shall expedite the hearing and all procedures involved therein; continuances may be granted for good cause shown. Formal rules of pleading or evidence need not be observed at such hearing. The commissioner, by appropriate order in any case, may appoint a special hearing officer, which shall have the same powers as the commissioner as provided in Title 27-2-26, Code of Alabama 1975, as amended, to conduct said hearing. The burden of proof shall be upon the proponent of any such rating plan and rates to reasonably satisfy the commissioner that such rating plans provide for, result in or produce rates that are not unreasonably high, are not inadequate for the safeness and soundness of the insurer, and are not unfairly discriminatory between risks in this state involving essentially the same risks. A transcript of the evidence, together with all exhibits received at such hearing shall be made and promptly

conveyed to the commissioner for his consideration in reaching a decision thereon. A copy of such transcripts and exhibits shall be furnished on demand to any party or other person upon the payment of the cost of duplication, not to exceed \$.25 per page. If, after examination hearing thereof, the commissioner shall find that such rating plans filed by, or on behalf of, an insurer provide for, result in or produce rates that are unreasonably high or excessive, or are not adequate for the safeness and soundness of the insurer or are unfairly discriminatory between risks in this state involving essentially the same risks, he shall issue an order to such insurer, or to the rating organization of which such insurer is a member or subscriber, directing that such rating plans be altered in the manner, and to the extent, stated in such order to produce rates that are reasonable and adequate and not unfairly discriminatory. If the commissioner shall find that such rating plans provide for, result in or produce rates that are not unreasonably high, are not inadequate for the safeness and soundness of the insurer and are not unfairly discriminatory between risks in this state, he shall approve such rating plans and rates, and such approval shall continue in effect until he shall, by order, direct that such rating plans and rates be changed or modified as in this section provided. As soon as reasonably possible after the filing has been made, the commissioner shall, in writing, approve or disapprove the same, provided, however, that unless disapproved with 30 days such rating plans and rates shall be deemed to be approved by him. The commissioner shall issue a final order with his findings within 30 days after termination of the hearing. Whenever the commissioner shall find that rating plans theretofore approved by him or which pursuant to section 27-13-75 are effective without approval, provide for, result in or produce rates which are unreasonable or inadequate or which discriminate unfairly between risks in this state, he shall issue an order to all insurers employing such rating plans, or to the rating organizations of which such insurers are members or subscribers, directing that such rating plans be altered or revised in the manner, and to the extent, stated in such order to provide for, result in or produce rates which are reasonable, adequate and do not discriminate unfairly between risks in this state. Rating plans and rates filed with the department on, or before, January 1, 1972, pursuant to the provisions of this section, shall be deemed to have been approved by the department, such approval to continue in effect until the commissioner shall, by order, direct that such rating system be altered or modified as in this section provided. Changes in rates resulting from an order of the department directing or approving alterations or revisions in rating plans shall become effective following the date of such order as fixed by the commissioner and shall be applied to policies written on, or after, such effective date. Under such rules and regulations as he shall adopt, the commissioner may, by written order, suspend or modify the requirement of filing as to any kind of insurance, subdivision or combination thereof or as to classes of risks, the rates for which cannot practicably be filed before they are used. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The commissioner may make examination as he may deem advisable to ascertain whether any rates affected by such order are excessive, inadequate or unfairly discriminatory.

“§27-13-81.

“(a) Any final order made by the commissioner as provided by law may, upon appropriate petition filed by the attorney general on behalf of the state or by any interested party at any time within 30 days from the date of said order, be reviewed by the circuit court of Montgomery County, Alabama, on a writ of certiorari. Upon the filing of such petition, the petitioner shall, except as otherwise hereinafter provided, file with the register or clerk of

said court a bond, with good and sufficient sureties, to be approved by the register or clerk, conditioned to pay all costs which may be assessed against the petitioner in such proceedings. The circuit court of Montgomery County, Alabama, or the court of civil appeals of Alabama, on appeal to it, may affirm said order or modify or repeal the same, in whole or in part. From the judgment of the circuit court of Montgomery county, Alabama, either the state or the interested party taking the appeal may appeal directly to the court of civil appeals of Alabama within 42 days from the entry of the judgment; the interested party so appealing to the court of civil appeals shall give security for the costs of such appeal to be approved by the register or clerk of said court.

"(b) In lieu of bond, the court may allow the organization or insurer to collect, subject to refund with interest, any portion of the requested increase denied on any rate increase from the time of the filing of the petition until final disposition of the case. Provided, however, all such sums of increase collected shall be paid into a designated interest-bearing account in the state treasury until final disposition of said case; on final disposition the principal plus interest shall be paid to the prevailing side, less reasonable administrative costs of the state treasurer as verified to the court."

"§27-13-83.

"(a) Any rating organization, and any insurer, officer, agent or representative thereof, failing to comply with, or otherwise willfully violating, any of the provisions of this article shall be guilty of a misdemeanor Class B felony and, upon conviction, thereof, shall be punished as provided by law by a fine of not less than ~~\$100.00~~ \$5,001.00 nor more than ~~\$500.00~~ \$10,000.00.

"(b) The provisions of this section shall be cumulative to any and all other provisions of law for fines or punishment for violating, or willfully violating, any of the provisions of law."

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains; provided, however, any laws or parts of laws to the extent there is a direct conflict herewith are hereby repealed to that extent.

Section 6. Sections 27-13-71, 27-13-72 and 27-13-80, Code of Alabama 1975, as amended, are hereby specifically repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as herein otherwise provided.

On motion of Senator Bishop, further consideration of the Bill, S. B. 303, and pending substitute, was postponed subject to the call of the Chair.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 670. To provide that any adult may, without payment of tax, produce limited amounts of beer and wine for personal or family use and not for sale.

was read a third time at length and passed, and ordered sent forthwith to the House.

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Yeas 11; Nays 10.

Yeas:

Senators:	Covington	Figures	Hilliard	
Campbell	deGraffenried	Foshee	Horn	
Corbett	Dixon	Goodwin	Langford	— 11

Nays:

Senators:	Bedford	Dial	Manley	
Bailey	Cabaniss	Ellis	Parsons	
Barron	Denton	Hale		— 10

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills and finds same correctly engrossed, to-wit:

S. 194. To provide that full time narcotic investigators for the Office of the Attorney General when duly appointed and designated by the Attorney General to be engaged in narcotics investigations related to controlled substances shall have the powers of peace officers, including arrest powers; and to provide that narcotics investigators so employed and designated must meet minimum standards requirements.

Also:

S. 465. To provide for the incorporation of the Alabama State Parking Deck Authority; to provide for the Authority's members, officers and directors; to empower the Authority to acquire and hold title to real and personal property and to sell, convey or lease that property; to provide for the leasing of facilities owned by the Authority to certain entities; to empower the Authority to sell and issue its notes, bonds and refunding bonds, to grant mortgages upon, and security interests in its facilities and to pledge for payment of its notes, bonds and refunding bonds the rents and revenues from such facilities, the proceeds from the sale of such facilities, unexpended note or bond proceeds, insurance proceeds and/or mortgage or security interests in the Authority's facilities; to confer on the Authority the same power of eminent domain as that possessed by the state; to provide for temporary loans in anticipation of the issuance of bonds; to provide for the disposition of proceeds from the sale of bonds or refunding bonds issued by the Authority; to exempt from taxation the income and property of the Authority, all lien notices with respect thereto, the interest on the notes and bonds of the Authority and all purchases and uses of property by the Authority; to provide that venue for any action arising out of this act shall be in the circuit courts of the State; to provide for dissolution of the Authority; to exempt leases of the Authority from the competitive bid law; to exempt the Authority from the Sunset Law; to provide that the provisions of this act are severable; and to provide an effective date.

BILL DRINKARD,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills and finds same correctly engrossed, to-wit:

S. 580. To amend Section 32-6-254 of the Code of Alabama 1975, which provides for the use and transferability of distinctive license plates for former prisoners of war and recipients of the medal of honor so as to provide further for widows of such persons to obtain said plates.

Also:

S. 678. To require the department of public safety to provide certain information to boards of registrars on persons acquiring drivers' licenses outside of the state; to authorize the boards of registrars to notify the said person that their names will be deleted unless said person notifies the board of registrars within 60 days that he wishes to remain a registered voter in the county; and to provide for certain exemptions for persons in the armed forces and certain students.

BILL DRINKARD,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills and finds same correctly engrossed, to-wit:

S. 317. To provide that under certain circumstances a person who parks, stands, or operates a motor vehicle in a privately owned parking area provided for the use of customers, commits the offense of criminal trespass by motor vehicle and to provide criminal penalties.

Also:

S. 441. Whenever any health insurance policy, contract, plan or agency certificate provides for reimbursement for any service which is within the lawful scope of practice of licensed registered nurses who have passed a national certification examination for the specialty practice of nurse anesthetist as recognized by the Alabama Board of Nursing, and said services are performed by a certified registered nurse anesthetist as recognized by the Alabama Board of Nursing, then the insured, or any other person covered by the policy, contract, or certificate shall be entitled to reimbursement and payment for such services performed by the Certified Registered Nurse Anesthetist, and said Certified Registered Nurse Anesthetist shall be entitled to direct reimbursement by the insurer, unless the Certified Registered Nurse Anesthetist is employed by contract with a group practice of anesthesiologists or a hospital, then such services shall be reimbursed through the employer, and to provide that nothing in this act shall prohibit a licensed hospital from prescribing in its bylaws, policies, rules, or regulations, the qualifications, training, experience, scope of permissible activities, and level or degree of supervision required of any Certified Registered Nurse Anesthetist employed by or performing services in such hospital.

Also:

S. 492. To amend Code of Alabama, 1975, §22-30-11, to provide for additional definitions and to prohibit commercial hazardous waste treatment or disposal facilities from accepting hazardous wastes generated in another state which prohibits the treatment, storage, or disposal of hazardous wastes within its own borders, or which refuses or fails to comply with 42 U.S.C. §9604(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, which requires each state to adequately treat and dispose of all hazardous wastes reasonably expected to be generated within that state over the next 20 years through the establishment of a hazardous waste treatment or disposal facility within the state or through the use of a hazardous waste treatment or disposal facility located outside the state in accordance with an interstate agreement or regional agreement or authority.

BILL DRINKARD,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 602. To further amend Section 41-16-50, Code of Alabama 1975, as amended, relating to public contracts requiring competitive bidding, so as to include separate boards of trustees.

BILL DRINKARD,
Chairperson.

BILLS ON THIRD READING RESUMED

Senator Bedford requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 597. To amend Section 11-42-100.1, Code of Alabama 1975, which provides for the procedure of consolidating contiguous municipalities, so as to alter the number of voters signing the petition calling for a referendum on the question of consolidation.

The Standing Committee on Banking and Insurance reported the following substitute for the Bill, S. B. 597, to-wit:

SUBSTITUTE FOR S. B. 597

A BILL TO BE ENTITLED AN ACT

To amend Section 11-42-100.1 Code of Alabama 1975, which provides for the procedure of consolidating contiguous municipalities, so as to alter the number of voters signing the petition calling for a referendum on the question of consolidation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-42-100.1, Code of Alabama 1975, is hereby amended to read as follows:

“§11-42-100.1.

“(a) When two or more municipalities lying contiguous to each other desire to consolidate and operate as one municipality, they may do so by proceeding in the manner hereafter provided in this section.

“(b) If it is the purpose to annex a city or town to another municipality, then the governing body of each city or town shall adopt an ordinance expressing a willingness to such annexation. After both ordinances are passed and published as provided for by law, the governing body of the municipality to be annexed shall, by resolution submit the question of annexation at a special election to be held at a time specified in such resolution, not less than 40 days nor more than 90 days after passage of the last adopted willingness ordinance or at a time otherwise specified by law. No other proposition may be on the ballot. Said election shall be held pursuant to the general municipal election laws.

“(c) In absence of a willingness ordinance by the city or town to be annexed, the filing of a petition signed by 10 percent or more of the number of qualified registered voters who voted in the last general municipal election held in such of the municipality immediately preceding the presentation of said petition, asking that the question of annexation into another contiguous city or town be submitted to the qualified voters thereof, with the judge of probate of the county (or counties) in which such municipality is located, shall mandatorily require an election to be held as herein provided. Whenever such a petition shall be presented to such probate judge, he shall examine said petition to determine the genuineness of the signatures thereon, the correctness and adequacy of the information given by each person signing the petition and the qualification of electors signing such petition. If the probate judge determines that the petition meets statutory requirements, he shall certify such fact to the chief executive officer of the municipality for which such election is so petitioned and such certificate shall be attached to the petition. The certificate of the judge of probate as to the sufficiency of said petition shall be final. After passage of a willingness ordinance by the annexing city and upon receipt of petition certification from the judge of probate, the governing body of the municipality to be annexed shall by resolution submit the question of annexation at a special election to be held at a time specified in such proclamation, not less than 40 days nor more than 90 days after passage of the willingness ordinance, or after receipt of the petition certification, whichever event occurs last, or at a time otherwise specified by law. No other proposition may be on the ballot. This election shall be conducted pursuant to the general municipal election laws.

“(d) If at the election on consolidation of two contiguous municipalities, a majority of the voters cast votes in favor of the annexation, and the number so voting in favor of the annexation equals or is greater than one-half of the number of voters who voted in the last general municipal election held in such city or town, then, upon the expiration of 45 days after a canvass of the returns, the territory within the corporate limits of such city or town shall become a part of the annexing municipality and may be divided into wards or districts or annexed to wards or districts already established.

“(e) If the annexation is not adopted at the election so called, the question of annexation under this section shall not be resubmitted to the

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voters of such municipality for adoption within two years thereafter, at which time the question of annexation may be reconsidered in the manner above provided."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Bedford, further consideration of the Bill, S. B. 597, and pending substitute, was postponed subject to the call of the Chair.

Senator Foshee requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 638. To propose a constitutional amendment authorizing the legislature to enact laws regulating costs and charges of court in certain political subdivisions; to validate certain prior acts and actions taken pursuant thereto; and to prohibit retroactive levy and collection of said costs and charges.

On motion of Senator Foshee, further consideration of the Bill, S. B. 638, was postponed subject to the call of the Chair.

Senator Foshee requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 319. To provide further for any contract or policy of insurance or any plan or agreement for health services providing for reimbursement or payment for health services performed by any health care practitioner.

And said Bill, S. B. 319, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21; Nays 1.

Yeas:

Senators:	deGraffenried	Goodwin	Manley
Bailey	Denton	Hale	Rice
Barron	Dial	Hilliard	Sanders
Bedford	Ellis	Horn	Smith (B)
Corbett	Figures	Langford	Windom
Covington	Foshee		

—21

Nay: Senator Cabaniss —1

Senator Dial requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 362. Providing that certain retired public employees shall be entitled a certain fractional portion or percentage of any cost-of-living increase provided by law, from time to time, to retired state employees and prescribing the manner of payment of such fractional increase.

And said Bill, S. B. 362, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Denton	Hilliard
Bailey	Campbell	Dial	Horn
Barron	Corbett	Ellis	Langford
Bedford	Covington	Goodwin	Manley
Bedsole	deGraffenried	Hale	Smith (B)

—19

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 649. Relating to Shelby County; authorizing the county commission to provide an increase in county salary supplement for each circuit judge and district attorney within the eighteenth judicial circuit and each Shelby County district judge.

Also:

S. 659. Relating to portions of Morgan County, to authorize the county governing body to levy an additional ad valorem tax, to provide said tax shall be subject to voter approval at a referendum, to provide for the collection and administration of said tax, to provide for the distribution of funds derived from said tax to volunteer fire departments and certain emergency medical technicians, to establish certain standards for eligible volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department and to provide that the county shall be immune from certain liability.

Also:

S. 660. Relating to Morgan County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Morgan County 2015 Commission"; to provide for the composition, officers and duties of the commission.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

Senator Langford requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 141. To amend further sections 16-25-14 and 36-27-16, Code of Alabama 1975, relating to retirement benefits under the Teachers' and Employees' Retirement Systems, so as to provide for disability retirement in cases of service retirement upon completion of twenty-five years of creditable service.

And said Bill, H. B. 141, was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley
Bailey	Covington	Hale	Sanders
Barron	deGraffenried	Hilliard	Smith (B)
Bedford	Denton	Horn	Smith (J)
Bedsole	Dial	Langford	Windom
Cabaniss	Ellis		

—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 562. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county effective October 1, 1988.

Also:

S. 634. To propose an amendment to the Constitution of Alabama 1901 for Greene County to provide further for filling vacancies in certain county offices.

Also:

S. 635. To propose an amendment to the Constitution of Alabama 1901 for Sumter County to provide further for filling vacancies in certain county offices.

Also:

S. 640. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 563. Providing for a local salary supplement for the district judges of the 17th judicial circuit; providing that any local salary supplement provided for said judges by this act shall be in lieu of all local salary supplements and expense allowances heretofore provided by law for said judges; prescribing the methods for determining and funding the local salary supplement provided by this act for said judges; and repealing Act No. 81-1059, H. 6, 1981 Second Special Session.

Also:

S. 565. Relating to Pike County; separating the office of the judge of probate from the chairmanship of the county commission pursuant to Constitutional Amendment 503 to the Constitution of 1901; providing for the compensation of such officers and transferring the duties, authority, records, assets and funds of such officers; and providing for the effective date.

WHEREAS, the people of Pike County have spoken, by ratifying Act No. 88-308, H. 894 of the 1988 Regular Session on November 8, 1988, which act became Constitutional Amendment 503 to the Constitution of 1901, and approved the Pike County Government Modernization Amendment; and

WHEREAS, Amendment No. 503 to the Constitution of 1901, prescribes, in part, that the office of the judge of probate and the chairmanship of the county commission shall be separated; transferring duties, records, assets

and funds of such offices; providing for the qualifications and election procedures and compensation for such chairman and the judge of probate, and the effective date; now therefore,

Also:

S. 633. To propose an amendment to the Constitution of Alabama 1901 for Perry County to provide further for filling vacancies in certain county offices.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

Senator Denton requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 401. To amend Section 8-8-15, Code of Alabama 1975, which provides for a charge for the issuance of bad checks, so as to provide further for said worthless check charge.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 401, to-wit:

SUBSTITUTE FOR S. B. 401

A BILL TO BE ENTITLED AN ACT

To amend Section 8-8-15, Code of Alabama 1975, which provides for a charge for the issuance of bad checks, so as to provide further for said worthless check charge.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 8-8-15, Code of Alabama 1975, is hereby amended to read as follows:

“§8-8-15.

“Any lender of money or extender of other credit who receives a check, draft, negotiable order of withdrawal or like instrument drawn on a bank or other depository institution given by any person in full or partial repayment of a loan or other extension of credit may, if such instrument is not paid or is dishonored by such institution, charge and collect, through regular billing procedure or otherwise, from the borrower or person to whom the credit was extended, a bad check charge of not more than the greater of either ~~\$10.00~~ \$15.00 or an amount equal to the actual charge by the depository institution for the return of unpaid or dishonored instruments.

“Charges imposed in connection with the dishonor of a negotiable instrument shall not be deemed interest finance or other charge made as an incident to or as a condition to the grant of the loan or other extension of credit and shall not be included in determining the limit on charges which may be made in connection with the loan or extension of credit as provided in this section or in any other law of this state.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

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Which was adopted.

Yeas 17; Nays 2.

Yeas:

Senators:	Cabaniss	Dial	Horn
Bailey	Campbell	Ellis	Langford
Barron	Covington	Goodwin	Manley
Bedford	deGraffenried	Hale	Windom
Bedsole	Denton		

—17

Nays:

Senators:	Hilliard	Sanders	—2
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And said Bill, S. B. 401, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19; Nays 2.

Yeas:

Senators:	Cabaniss	Denton	Goodwin
Bailey	Campbell	Dial	Hale
Barron	Corbett	Dixon	Horn
Bedford	Covington	Ellis	Smith (B)
Bedsole	deGraffenried	Figures	Windom

—19

Nays:

Senators:	Hilliard	Sanders	—2
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MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills and House Joint Resolution, your signature thereto is requested.

H. 80. To amend Section 36-9-2, Code of Alabama 1975, relating to public officers and employees, so as to provide that a public officer when convicted of a felony shall vacate his office from the time of the conviction.

Also:

H. 264. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; to provide for the powers and duties of solid waste officers; to provide that failure to comply with the provisions of the article shall constitute a public nuisance; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

Also:

H. 425. To provide that a retired state policeman may accept employment with a city or county agency and continue to receive his retirement benefits but shall not receive additional retirement benefits for his new employment even though he contributes to the retirement systems; provided further, however, that upon termination of employment with the county or city agency, the employee shall receive the principal amount paid by him into the retirement system less any interest earned on the principal amount.

Also:

H. 450. To amend Section 5-17-8, Code of Alabama 1975, so as to grant to the Administrator of the Alabama Credit Union Administration the power to order a credit union to cease and desist from certain activities, to suspend individuals from participating in the affairs of a credit union and to establish procedures to appeal such orders to the Board of the Alabama Credit Union Administration; amends Section 5-17-18, Code of Alabama 1975, so as to prohibit late charges for any credit union loan not calculated on a simple interest basis; and amends the credit union laws so as to prohibit specific acts which would be prohibited if credit unions were subject to the prohibited acts provisions of state banking laws; providing penalties for violation of this act.

Also:

H. 565. To amend Section 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights, so as to regulate further the sizes and weights of motor vehicles on the highways in Alabama.

Also:

H. 731. To amend Section 1-3-8 of the Code of Alabama 1975, relating to holidays observed by the state, so as to provide further for such holidays.

Also:

H. J. R. 312. URGING THE SWIFT EXTRADITION OF CONVICTED FELON, WILLIAM SCHANK.

Also:

H. J. R. 354. DESIGNATING "MANAGEMENT WEEK IN ALABAMA."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

Senator Hale requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 583. To amend Section 30-3-5, Code of Alabama 1975, relating to venue of certain proceedings seeking modification of child custody, visitation

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or child support, so as to provide further for venue with respect to petitions to modify, enforce or interpret decrees relating to any provision of the final decree of divorce which relates to children of the marriage.

Senator Hale offered the following amendment to the Bill, S. B. 583, to-wit:

AMENDMENT TO S. B. 583

Amend Senate Bill No. 583 Page 2 Line 26, as follows: after parent, add "and the said child or children"

Also amend Page 2 Line 28 as follows: delete "and the said child or children"

Which was adopted.

Yeas 21; Nays 1.

Yeas:

Senators:	Campbell	Ellis	Manley
Bailey	Corbett	Figures	Sanders
Barron	Covington	Goodwin	Smith (B)
Bedford	deGraffenried	Hale	Smith (J)
Bedsole	Dial	Horn	Windom
Cabaniss	Dixon		

—21

Nay: Senator Hilliard —1

And said Bill, S. B. 583, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Langford
Bailey	Corbett	Figures	Manley
Barron	Covington	Goodwin	Sanders
Bedford	deGraffenried	Hale	Smith (B)
Bedsole	Dial	Hilliard	Smith (J)
Bishop	Dixon	Horn	Windom
Cabaniss			

—24

Nays: —0

Senator Windom requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 614. To further amend Section 40-8-1, Code of Alabama 1975, as amended, relating to the assessment rate of ad valorem taxes and definitions thereof, so as to include certain identifiable formula for inclusion of state historical buildings, places and sites.

And said Bill, H. B. 614, was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Manley
Barron	deGraffenried	Hale	Sanders
Bedford	Dial	Hilliard	Smith (B)
Bedsole	Dixon	Horn	Smith (J)
Cabaniss	Ellis	Langford	Windom
Corbett	Figures		

—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate Amendment to the Bill:

H. 338. To provide that in addition to the definitions and authorizations contained in Sections 27-17-16, 27-30-1, 27-30-31, 27-30-33 and 27-36-7 of the Code of Alabama 1975, mutual aid associations may provide insurance policies and contracts as are authorized for domestic life and disability insurers in chapter 3 of Title 27 of the Code of Alabama 1975, subject to the paid-in capital restrictions upon policy or contract limits.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives: White (L), Freeman, and Clay.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Cabaniss, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 338, the title of which is set out in the foregoing Message from the House.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Horn
Bailey	Campbell	Ellis	Langford
Barron	Corbett	Figures	Manley
Bedford	Covington	Goodwin	Sanders
Bedsole	Denton	Hale	Smith (B)
Bishop	Dial	Hilliard	Windom

—23

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Covington, Cabaniss, and Hale.

BILLS ON THIRD READING RESUMED

Senator Covington requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 555. To amend Sections 32-13-1, 32-13-2, 31-13-3 and 32-13-4, Code of Alabama 1975, which relate to the removal of abandoned vehicles from

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privately owned property, so as to provide for notice by publication and certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and to provide for a hearing if the vehicle is abandoned and should be sold.

And said Bill, H. B. 55, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Dixon	Langford	
Bailey	Corbett	Ellis	Manley	
Barron	Covington	Figures	Sanders	
Bedford	deGraffenried	Goodwin	Smith (B)	
Bishop	Denton	Hale	Windom	
Cabaniss	Dial	Horn		—22

Nays: —0

FURTHER CONSIDERATION OF S. B. 303

The Senate proceeded to further consideration of the Bill, S. B. 303. The question was on the Committee substitute.

Senator Dixon moved that further consideration of the Bill, S. B. 303, and pending substitute, be indefinitely postponed.

Senator Bishop moved that the motion to indefinitely postpone be laid on the table, which motion was lost.

Yeas 11; Nays 16.

Abstaining 1.

Yeas:

Senators:	Campbell	Figures	Horn	
Bedford	Corbett	Foshee	Langford	
Bishop	Covington	Goodwin	Windom	—11

Nays:

Senators:	deGraffenried	Ellis	Preuitt	
Bailey	Denton	Hale	Rice	
Barron	Dial	Hand	Smith (B)	
Bedsale	Dixon	Manley	Smith (J)	
Cabaniss				—16

Abstaining: Senator Hilliard —1

The question recurred on the motion of Senator Dixon that further consideration of the Bill, S. B. 303, and pending substitute, be indefinitely postponed.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 583. To amend Section 30-3-5, Code of Alabama 1975, relating to venue of certain proceedings seeking modification of child custody, visitation

or child support, so as to provide further for venue with respect to petitions to modify, enforce or interpret decrees relating to any provision of the final decree of divorce which relates to children of the marriage.

BILL DRINKARD,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 337. To amend the Adult Protective Services Act of 1976, Sections 38-9-2, 38-9-6 and 38-9-7, Code of Alabama, 1975 to provide further protection for adults who, because of the infirmities of age, disabilities or like incapacities, are in need of protection and provides criminal penalties for the abuse, neglect or exploitation of any adult.

BILL DRINKARD,
Chairperson.

ADJOURNMENT

At 7:50 P.M., on motion of Senator Bishop, in accordance with Motion and Joint Resolution heretofore adopted, and pending further consideration of the Bills, S. B.'s 303 and 302, the Senate adjourned until Tuesday, May 2, 1989, at 12 o'clock Noon.

Yeas 15; Nays 14.

Yeas:

Senators:	Campbell	Ellis	Horn	
Bailey	Corbett	Figures	Langford	
Bedford	Covington	Foshee	Parsons	
Bishop	deGraffenried	Hilliard	Windom	— 15

Nays:

Senators:	Denton	Hale	Rice	
Barron	Dial	Hand	Smith (B)	
Bedsole	Dixon	Manley	Smith (J)	
Cabaniss	Goodwin	Preuitt		— 14

TWENTY-SIXTH LEGISLATIVE DAY

TUESDAY, MAY 2, 1989

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Larry Dixon, Twenty-Fifth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Joseph Patton, Wares Ferry Elementary School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Mitchem
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Rice
Bedsole	Dial	Hilliard	Sanders
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Cabaniss	Ellis	Langford	Windom

—35

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Fifth Legislative Day was approved by the Senate.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, May 3, 1989, at 1 o'clock P.M., which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Melton, Davis, and McClain:

H. 876. To amend Sections 16-49-20, 16-49-26, 16-49-27 and 16-49-28 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University board of trustees so as to change the qualifications of a candidate for trustee; to redefine the time, frequency and manner of convening; to reduce the number required for a quorum; and to provide for payment of expenses to ex officio members.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 876—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Grouby (With Notice and Proof):

H. 1075. Relating to Autauga County; to authorize the Autauga County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1075, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1075—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Harper and Marietta:

H. 870. To propose an amendment to the Constitution of Alabama to authorize the state to pay a portion of the capital costs of public facilities and works of internal improvement consisting of the deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the State Docks at the Port of Mobile; to authorize the state to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$20,000,000; and to authorize the state to establish a bond commission with the powers and resources necessary to issue the bonds authorized by this amendment to be issued by the state.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 870—to the Committee on Rules

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 904. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$20,000,000 for the purpose of paying a portion of the capital costs of deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and the acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the State Docks at the Port of Mobile; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the competitive employment of attorneys, financial advisors, accountants, registrars and paying agents in connection with the sale and issuance of the bonds; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income

derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this act; to empower the Bond Commission to make necessary payments and agreements regarding investments to comply with Federal law regarding tax exempt bonds, and to exempt from taxation in the State all bonds issued pursuant to this Act and the income therefrom.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 904—to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Venable and Hammett:

H. 787. To amend Section 30-3-4, Code of Alabama 1975, which provides for visitation rights of grandparents in domestic relations cases, and in other cases, so as to provide further for such rights.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 787—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Turnham, Hamilton, Mikell, and Williams:

H. 356. To create and establish a special abandoned mine land reclamation trust fund to receive and retain up to 10 per centum of the appropriated funds granted annually by the Secretary of the U.S. Department of Interior for the reclamation of abandoned mine lands in Alabama.

JOHN W. PEMBERTON,
Clerk.

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HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 356—to the Committee on Natural Resources

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Grayson:

H. 354. To amend Section 16-28-4, Code of Alabama, 1975, relating to the cutoff enrollment date of school children entering Grade One or Kindergarten so as to change the cutoff enrollment date from October 1 to September 1 of each year; to ensure that students already enrolled in Kindergarten can proceed to Grade One notwithstanding this Act; and to provide that no board of education shall lose any teacher unit as a result of this Act.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 354—to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDowell, Escott, Starkey, Rogers, McClain, Grayson, Venable, Perdue, Bugg, Kennedy, Zoghby, Buskey (JE), Goodwin, Hamilton, and Britnell:

H. 793. To amend Code of Alabama 1975, §15-10-3 which provides the circumstances under which a law enforcement officer may arrest without a warrant, so that a law enforcement officer may arrest without a warrant in certain specified cases; and to provide for good faith immunity for arrests, to provide for reports of investigations of family violence, severability, repeal of conflicting laws and the effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 793—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Slaughter:

H. 752. To provide for suspending the driving privilege of those persons driving with an excessive concentration of alcohol in their bodies; to provide an opportunity for administrative review prior to the effective date of the suspension, and for an opportunity for a full hearing after the suspension becomes effective; and to provide for administrative and judicial review.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 752—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hill:

H. 362. To amend Section 40-16-6, Code of Alabama 1975, which relates to the payment and distribution of financial institution excise tax, so as to permit all incorporated municipalities to levy privilege license taxes on financial institutions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 362—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Butler (With Notice and Proof):

H. 1039. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County, annexing certain territory to the city.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1039, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

H. 1073. Relating to Cleburne County, authorizing certain retired law enforcement officers to retain their badges and pistols.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1073, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

H. 1074. Relating to Cleburne County; providing for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1074, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1039, 1073, and 1074—to the Committee on Local Legislation
No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Blake:

H. J. R. 486. COMMENDING JEFFREY WATSON OF PELL CITY HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

By Reps. Butler, Dillard, and Marks:

H. J. R. 487. COMMENDING DARYL L. SMITH OF MOULTON, AL FOR OUTSTANDING ACCOMPLISHMENT.

Also:

By Rep. McKee:

H. J. R. 488. COMMENDING AGAPE OF CENTRAL ALABAMA FOR OUTSTANDING HUMANITARIAN SERVICE TO OUR STATE ON THE OCCASION OF ITS TENTH ANNIVERSARY.

Also:

By Rep. Carter:

H. J. R. 491. COMMENDING TODD ANTHONY FENTRESS OF J. C. CALHOUN COMMUNITY COLLEGE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 486, 487, 488, and 491, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Kvalheim and Gaston:

H. J. R. 489. COMMENDING BURT FOWLER TAYLOR OF MOBILE, ALABAMA, FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT.

Also:

By Reps. Kvalheim, Penry, and McMillan:

H. J. R. 490. COMMENDING WALLACE, EVELYN AND SANDRA JOHNSTON OF THE BLUE GILL RESTAURANT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 489 and 490, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Venable, Buskey (JE), Zoghby, and Curry:

H. J. R. 372. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON ELECTION LAW REFORM.

WHEREAS, it is necessary for the Legislature to provide for fair and accurate elections in a democratic society; and

WHEREAS, among other issues there exists considerable conflicts in the current election laws, the costs involved in holding elections have increased dramatically, and the increased use of absentee ballots presents a potential for abuse; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study election law reform. The committee shall be composed of 4 members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the laws relating to elections.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 5th legislative day of the 1990 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$5,000.00.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 372, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Harper and Marietta:

H. 515. To authorize a new NPDES permit be issued by the Alabama Department of Environmental Management for the discharge from the Theodore Industrial Canal area of municipal or industrial wastewater.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 515—to the Committee on Natural Resources

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Payne:

H. J. R. 485. DESIGNATING A PORTION OF ALABAMA HIGHWAY 75 AS THE "BOB HALL DRIVE."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That that portion of Alabama Highway 75, between its intersection with Alabama Highway 79 to Pinson Valley High School, in Jefferson County, Alabama, is hereby named in honor of former State Senator Robert B. "Bob" Hall and shall henceforth and forever be known as the "Bob Hall Drive."

BE IT FURTHER RESOLVED, That the proper authorities are herein authorized to erect and maintain appropriate signs and markers so designating said highway portion as the "Bob Hall Drive."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 485, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Butler, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke,

Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 478. URGING THE CONGRESS TO REPEAL OR SUBSTANTIALLY MODIFY THE MEDICARE CATASTROPHIC COVERAGE ACT OF 1988.

WHEREAS, the Medicare Catastrophic Coverage Act of 1988 passed by Congress is an ill-conceived effort to meet the demand, and fund the cost, of additional services under Medicare; and

WHEREAS, to finance the extended coverages provided, the act requires that nearly one-half of those enrolled under Medicare pay an exorbitant supplemental premium based on income tax to a maximum, in 1989, of \$800 per year per individual, an amount to rise over the next few years to a projected annual premium of \$1,050 per individual in 1993; and

WHEREAS, we further note that the premium for Part B of Medicare rose from \$24.80 in 1988 to \$27.90 for the current year, plus a premium surcharge of \$4.00, for a total of \$31.90 monthly per individual and, again, these are charges that are projected to increase; and

WHEREAS, additionally, many prudent Medicare recipients are enrolled in a "C+" or other Medicare supplement plan, and are paying \$50 to \$60 monthly to cover the required hospital deductible charge, for which the patient is responsible, and to help with other costs not covered by Medicare Part A or B; and

WHEREAS, based on the data available as hereinabove outlined, and not including other unforeseen increases in health care premiums, it is apparent that many Medicare recipients, by 1993, will expend some \$2,100 annually, per individual, or \$4,200 for the retired, fixed-income couple being assessed the maximum Catastrophic Coverage premium; and

WHEREAS, we also point out, with objection, that the Congress, by exclusively imposing the cost of the new provisions of this act against those enrolled under Medicare, and only a portion of these, has completely departed from previous methods of financing Social Security programs and services; and

WHEREAS, going even farther afield, Congress has overlooked or ignored the fundamental concept of insurance which bases a premium on the risk assumed as opposed to an individual's income—a form of rate-fixing that would raise a hue and cry throughout the nation should the insurance industry apply the same irrationalities as has Congress with its "catastrophic" coverage which, incidentally, includes no benefits for the real catastrophe of extended or custodial nursing care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we call upon the Congress of

the United States to seek the repeal or substantial modification of the Catastrophic Coverage Act of 1988, more particularly the grossly unjust method of assessing the total cost of the program against a portion only of those affected by the act.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the presiding officers of both houses of Congress, to the members of the Alabama Congressional Delegation and to the Honorable George Bush, President of the United States.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 478, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Knight:

H. J. R. 480. RECOGNIZING THE NOTABLE RECORD OF ACHIEVEMENT OF THE ALABAMA JOB TRAINING COORDINATING COUNCIL AND THE EMPLOYMENT AND TRAINING DIVISION OF THE ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS.

WHEREAS, the Governor has duly appointed and established the Alabama Job Training Coordinating Council pursuant to Section 122(a)(2) of the Job Training Partnership Act; and

WHEREAS, this Council is charged with performing the various functions set forth in Section 122(b) of the Job Training Partnership Act and, in so performing, provides the Governor with recommendations pertaining to conduct of employment and training activities operated under the Job Training Partnership Act; and

WHEREAS, the Employment and Training Division of the Alabama Department of Economic and Community Affairs has ably provided for Council staff support and implementation of plans and programs specified under the Job Training Partnership Act; and

WHEREAS, this coordinated effort between the Council and the Employment and Training Division has resulted in thousands of economically-disadvantaged Alabamians being placed in jobs and the presentation of both youth and adults with new education and training opportunities, with additional educational and training benefits being provided to the elderly, the handicapped, school dropouts and other individuals; and

WHEREAS, the Council, operating under authority of Section 122(b)(8) of the Job Training Partnership Act and to ensure that coordination among both federally and state-funded employment and training programs takes place, annually solicits information from a number of state agencies regarding

the nature and scope of employment and training or related programs they directly administer or otherwise promulgate; and

WHEREAS, the high degree of success realized by those Job Training Partnership Act programs administered and operated in full consultation with the Council, as recognized numerous times by the U. S. Department of Labor and the National Alliance of Business, is illustrative of the Council's extraordinary performance in providing sound and effective leadership towards the goal of furthering the fuller development of human capital and economic resources in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Job Training Coordinating Council and the Employment and Training Division of the Alabama Department of Economic and Community Affairs, having compiled a notable record of achievement in the advancement of Alabama employment and training programs operated under the Job Training Partnership Act, are hereby recognized and most highly commended for meritorious service to the state.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Governor Guy Hunt, to the Chairman of the Alabama Council on Vocational and Technical Education and to the Chairman of the Alabama Job Training Coordinating Council.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 480, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 141. To amend further sections 16-25-14 and 36-27-16, Code of Alabama 1975, relating to retirement benefits under the Teachers' and Employees' Retirement Systems, so as to provide for disability retirement in cases of service retirement upon completion of twenty-five years of creditable service.

Also:

H. 555. To amend Sections 32-13-1, 32-13-2, 32-13-3 and 32-13-4, Code of Alabama 1975, which relate to the removal of abandoned vehicles from privately owned property, so as to provide for notice by publication and certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and to provide for a hearing if the vehicle is abandoned and should be sold.

Also:

H. 614. To further amend Section 40-8-1, Code of Alabama 1975, as amended, relating to the assessment rate of ad valorem taxes and definitions

therefor, so as to include certain identifiable formula for inclusion of state historical buildings, places and sites.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. White (L) and Venable:

H. J. R. 408. NAMING A PORTION OF ALABAMA HIGHWAY 63, IN TALLAPOOSA AND ELMORE COUNTIES, "THE CHILDREN'S HIGHWAY."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Rules were suspended and the Resolution, H. J. R. 408, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Venable, Mikell, and Poole:

H. J. R. 442. URGING THE UNITED STATES ARMY CORPS OF ENGINEERS TO INITIATE APPROPRIATE MEASURES TO IMPEDE RIVER EROSION AT FORT TOULOUSE/JACKSON PARK AND AT MOUNDVILLE STATE PARK.

WHEREAS, Fort Toulouse/Jackson Park is a National Historic Landmark containing the archaeological remains of 8000 years of aboriginal occupation, two periods of French wilderness fortifications (Fort Toulouse 1717 and Fort Toulouse 1751) and an early American fortification (Fort Jackson 1813), and is extremely significant to the State of Alabama and the nation; and

WHEREAS, Moundville State Park is a National Historic Landmark and is the largest Mississippian mound complex in the Southeastern United States and also is extremely significant to the State of Alabama and the nation; and

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WHEREAS, archaeological and recreational sites at Fort Toulouse/Jackson Park and at Moundville State Park have been damaged by severe river bank erosion and are in danger of being destroyed by unchecked erosion; and

WHEREAS, the Alabama delegation has been instrumental in assisting the United States Army Corps of Engineers in developing solutions to the erosion problem at the parks, and in appropriating funds to conduct the erosion control projects; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby encourage the United States Army Corps of Engineers to expend funds already appropriated for the purpose and to initiate the necessary measures to impede the river erosion at both Fort Toulouse/Jackson Park and at Moundville State Park.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded forthwith to the United States Army Corps of Engineers and to the Alabama Congressional Delegation in Washington, D. C.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Rules were suspended and the Resolution, H. J. R. 442, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Payne:

H. J. R. 492. DESIGNATING A DAY AS UNITED DAUGHTERS OF THE CONFEDERACY DAY AT MOUNTAIN CREEK CONFEDERATE MEMORIAL PARK IN CHILTON COUNTY, ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That one day in the month of June and July 1989, and annually thereafter, shall be designated as "United Daughters of the Confederacy Day" at Mountain Creek Confederate Memorial Park in Chilton County, Alabama. On said designated day, funds realized from projects conducted by the United Daughters of the Confederacy shall be allocated for the purpose of funding a United Daughters of the Confederacy room in any museum to be built at said park. However, the United Daughters of the Confederacy shall maintain control over all funds they raise at these events.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 492, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Carothers, Beasley, and Mathis:

H. J. R. 476. CONGRATULATING JAMES LOFTIN, DOTHAN, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

By Reps. Carothers, Beasley, and Mathis:

H. J. R. 477. CONGRATULATING ROBERT A. HEDSTROM, DOTHAN, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 476, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 477, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Blakeney, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 479. COMMENDING THE MACMILLAN BLOEDEL PULP AND PAPER EMPLOYEES ON THEIR OUTSTANDING SAFETY RECORD.

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Also:

By Reps. Bugg, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 481. COMMENDING LARRY ROSE FOR OUTSTANDING PERFORMANCE FOR THE UNIVERSITY OF ALABAMA'S FOOTBALL TEAM 1985-1988.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 479 and 481, the titles of which are set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, has acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. White (L), Beasley, Haynes, Butler, Johnson (RG), and Mikell:

H. 622. To amend Section 34-23-70, Code of Alabama 1975, relating to the act of filling prescriptions, so as to allow the board of pharmacy to define the act of filling or compounding prescriptions.

By Rep. White (L):

H. 108. To amend Section 34-38-1, Code of Alabama, 1975, so as to include the definition of hygienist in Section 34-38-1, and to bring hygienists under the provisions of this chapter. To amend Section 34-38-2, Code of Alabama, 1975, relating to the limitation of expenses of the Alabama impaired professionals' committee, so as to exclude the cost of treatment or rehabilitation programs recommended by the committee to professionals subject to the provisions of Section 34, Chapter 38 of the Code of Alabama 1975, and to preserve the authority of the regulatory board or boards to take disciplinary action against professionals subject to the provisions of this section. To amend Section 34-38-6, Code of Alabama, 1975, relating to the confidentiality of information, records and proceedings so as to allow certain access by the regulatory boards. To amend Section 34-38-7, Code of Alabama, 1975, relating

to reporting requirements so as to require certain reports to the regulatory boards.

Senator Amari, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Perdue:

H. 79. To provide for the regulation of the practice of occupational therapy; to provide for a short title, a declaration of purpose and definitions in regard to regulation; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to provide for an effective date; to provide an appropriation for fiscal years 1988-89 and 1989-90; and to provide for other matters relative to the foregoing.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Blakeney, Hamilton, and Marks:

H. 63. To declare that all conveyances and vehicles of transportation, including trailers and semi-trailers, horses, or any other equipment, together with all harness or other accessories used in the perpetration of livestock theft, be contraband and forfeited to the State Department of Agriculture and Industries; to allow Livestock Theft Investigators and other officers to seize property used in the perpetration of livestock theft and report said seizure to the District Attorney; to require that the District Attorney institute condemnation proceedings against property in the same manner as condemnation proceedings against property used to transport illegal alcoholic beverages; to require that the proceeds from the sale of such property be paid into the state agricultural fund; to allow lienholders with a perfected security interest under the Uniform Commercial Code to recover the property after payment of expenses.

By Rep. Starkey:

H. 259. To amend section 10-11-2, Code of Alabama 1975, relating to immunity from civil liability for certain officers of nonprofit corporations, so as to include said officers appointed by mayors.

By Rep. Laird:

H. 557. To require disclosure of the use and identification of nonoriginal equipment manufacturer after market crash parts.

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By Senator Windom:

S. 644. To amend Section 17-7-17 of the Code of Alabama 1975, relating to unlawful use of poll lists, so as to further prohibit the disclosure of certain information and to prescribe certain criminal penalties.

By Senator Preuitt:

S. 669. To amend Section 36-23-1, Code of Alabama 1975, relating to constables, so as to provide for abolishing the office by local referendum.

By Rep. Fuller:

H. 569. To amend Section 32-8-87 of the Uniform Certificate of Title and Antitheft Act so as to change the standard for total loss of a motor vehicle to seventy-five percent or more of the cost of the vehicle; to clarify the status of vehicles which have received minor damage as a result of theft or vandalism; to require bills of sale for minor component parts; to require that an owner of a salvage motor vehicle provide evidence that he is a licensed Motor Vehicle Rebuilder in an application for inspection; to delete transmission or trans-axle as a major component part; to add transmission or trans-axle as a minor component part; to require that a salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall be issued a certificate of title without 'rebuilt' appearing thereon if no more than one major component part and five minor component parts were used to restore the vehicle.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Barron:

S. 377. Providing immunity from individual civil liability for members of city and county housing authority boards.

By Senators Bedford, Corbett, Windom, Bennett, Bailey, and Campbell:

S. 666. To amend Section 36-25-13, Code of Alabama 1975, relating to lobbying by former public officials, so as to prohibit lobbying by certain public officials and employees for a certain period.

By Senator Figures:

S. 699. To amend section 41-10-233, Code of Alabama 1975, which relates to Africatown, U.S.A., so as to correct a typographical error in the land description.

By Senator Parsons:

S. 711. To exempt employees from paying any occupational tax or similar charge on any accrued vacation and sick leave.

By Rep. McClain:

H. 21. To amend Sections 40-7-2, 40-7-19, 40-7-22 and 40-7-31 of the Code of Alabama 1975, relating to procedures for assessment of taxes, so as to change certain deadline dates relating to tax assessment.

By Rep. Newman:

H. 37. To amend Section 32-5-243, Code of Alabama 1975, relating to the lighting equipment and warning devices for vehicles engaged in the U.S. mail service so as to provide further for said lighting devices.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. White (L)(With Amendment):

H. 111. To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties or fees due thereon and any mechanical errors found in the tax return, and to further provide for the refund of overpayments due to such errors.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Lindsey, Butler, Parker, Burke, Dillard, Harvey, Hamilton, Gaston, Moon, Logan, Venable, Holley, Laird, Willis, Clark (J), Curry, Sanderford, and Wright:

H. 342. To amend Sections 11-89-1, 11-89-3, 11-89-4, 11-89-5, 11-89-6, 11-89-7, 11-89-13, 11-89-17, and 11-89-18, of the Code of Alabama 1975 pertaining to water, sewer and fire protection districts so as to provide for the creation of districts as public corporations under Chapter 89 of Title 11 of the 1975 Code which would act as providers at wholesale of water or sanitary sewer service to municipalities, counties or other public corporations in the state or to particular customers of such municipalities, counties or public corporations at their written request, by providing for the incorporation of such supply districts, the amendment of their certificates of incorporation, election of their directors, and their powers, to empower any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state to contract with such supply districts, including "take-or-pay" contracts, to authorize provisions for the dissolution of the district, to provide that the existence of a district shall not prevent the incorporation of another, to reduce the required number of directors of any district under the said Chapter 89 from five to three, and to reinsert provisions of Section 11-89-6 of the Code of Alabama 1975 which were deleted therefrom by mistake in 1986, and to make conforming changes in the aforesaid Sections to effectuate all of the foregoing.

By Rep. Willis:

H. 521. To provide further for the issuance of distinctive license plates for handicapped persons; to amend Sections 40-12-300, 40-12-302, and 32-6-230 through 32-6-234, Code of Alabama 1975, so as to provide further for the design of the plates; to define "temporarily handicapped individuals" and to provide for parking in handicapped zones by such persons; and to provide for retroactive effect.

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By Rep. Hogan:

H. 374. To amend section 17-4-156 of the Code of Alabama 1975, as amended by Act No. 88-985 of the 1988 Second Special Session (Acts 1988) relating to the meetings days of the county boards of registrars so as to authorize Walker County board of registrars to meet an additional 60 days per year.

Senator Rice, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Blakeney:

H. 57. To authorize the Department of Human Resources to establish and administer a welfare employment program; to require certain applicants for and recipients of public assistance to participate in the employment program; and to repeal Sections 38-11-1 through 38-11-12 of the Code of Alabama 1975 relating to an Alabama human resources board and public works program for certain persons on public assistance.

By Rep. Marks:

H. 70. To amend Section 38-10-8, Code of Alabama 1975, which provides that the Department of Human Resources shall collect and disburse support payments, so as to provide that said support collections shall be deposited by the state treasurer in an interest-bearing account; to require the treasurer to credit all interest to the Public Welfare Trust Fund; and to appropriate said interest for general welfare purposes.

By Rep. Dillard:

H. 289. To amend Section 38-2-7, Code of Alabama 1975, which creates local county boards of human resources and specifies who may serve as members of such local boards, so as to state that no person who is related by consanguinity or affinity within the fourth degree or nearer under the civil law to any person who is elected to public office, who is a candidate for public office, or who is an employee of the local Department of Human Resources shall be a member of any such county board of human resources.

Senator Foshee, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Zoghby and Clark (J):

H. 358. Relating to real estate appraisers; providing for the licensing and certification of real estate appraisers, creating and establishing the real estate appraiser's board of directors; providing for the membership of such board and for the compensation, powers and duties of its members; providing definitions that will apply to the act; providing for the licensing and certification of real estate appraisers and for the renewal, suspension and revocation thereof; providing for the Real Estate Appraiser's Board Fund in the state treasury; providing for deposits into and disbursements from such fund; providing for an appropriation from such fund to the Real Estate Appraiser's Board for the 1988-89 fiscal year and the 1989-90 fiscal year; prescribing fees that may be set and regulated by such board; prescribing

penalties for enforcement of this act and prescribing various procedures and regulations for the administration of the provisions of this act.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. McDowell:

H. 945. To establish a procedure whereby a Class 5 municipality may adopt a mayor-council form of government; to provide for the election of a mayor and council members, the method of establishing salaries, certain duties and responsibilities; and to provide for the continuation of laws applicable to said cities.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Foshee and Covington (With Amendment):

S. 647. Relating to income tax credits for hazardous waste disposal; and to provide for certain income tax credits for each ton of hazardous waste or hazardous substances disposed of by any person, firm or corporation using any commercial or user-owned site in this state which is legally approved by the State of Alabama for the disposal of hazardous waste or hazardous substances.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Mathis:

H. 26. To amend Sections 32-9-20 and 32-9-25 of the Code of Alabama 1975 relating to motor vehicle sizes and lengths so as to further regulate the sizes and lengths of motor vehicles on highways in Alabama, and to further regulate exceptions and exemptions.

By Reps. Holley, Fuller, Box, Higginbotham, Petelos, Marks, Beasley, Haynes, Johnson (RW), Johnson (RG), Blakeney, White (L), Laird, Hammett, Campbell, Slaughter, and Breedlove:

H. 755. To amend Code of Alabama, 1975, §22-30-11, to provide for additional definitions and to prohibit commercial hazardous waste treatment or disposal facilities from accepting hazardous wastes generated in another state which prohibits the treatment, storage, or disposal of hazardous wastes within its own borders, or which refuses or fails to comply with 42 U.S.C. § 9604(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, which requires each state to adequately treat and dispose of all hazardous wastes reasonably expected to be generated within that state over the next 20 years through the establishment of a hazardous waste treatment or disposal facility within the state or through the use of a hazardous waste treatment or disposal facility located outside

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the state in accordance with an interstate agreement or regional agreement or authority.

By Rep. Hogan:

H. 773. To amend §32-6-291, Code of Alabama 1975, to provide guidance for the design of the distinctive motor vehicle license plate or tag authorized to nondisability retirees of the United States Armed Forces as provided for in §32-6-290, National Guard retirees and military reservists with a minimum of 20 years; and to establish an effective date of issuance for such license plates or tags.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Campbell (With Amendment):

H. 491. Relating to gas and oil; amending Section 9-17-13 of the Code of Alabama 1975, so as to provide further for the integration, pooling, cycling, repressuring, pressure maintenance or secondary recovery on gas and oil wells.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Harper and Zoghby:

H. 616. Providing for a certain conditional appropriation from the state general fund to Senior Citizens Services, Incorporated for the 1989-90 fiscal year.

By Rep. Mathis:

H. 608. To amend Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

By Senator Mitchem:

S. 693. To amend Section 40-18-19 of the Code of Alabama 1975, relating to retirement benefits being exempted from income taxes so as to provide further for the exemption of United States government retirement annuities and to amend Section 40-18-20 relating to military retirement benefits being exempted from income taxes so as to provide further for said exemption.

By Rep. Black:

H. 73. To amend Section 36-30-1 of the Code of Alabama 1975, relating to compensation for the death of peace officers and firemen so as to provide that the definition of peace officers shall include university police officers.

By Rep. Coburn:

H. 497. To amend §§16-25-3 and 36-27-4, Code of Alabama 1975, which prohibits participation in the Teachers' or Employees' Retirement System

of Alabama by persons age 61 or older; to further provide that a member of the Teachers' Retirement System or the Employees' Retirement System who was prohibited from participating in his respective retirement system because such member was age 61 or older at the time of employment may purchase credit for such service.

By Senators Bedford and Goodwin:

S. 528. To provide that full-time employees and executive officers of the Alabama Peace Officers Association may elect to become members of the Teachers' Retirement System of Alabama; to provide that said entity and its employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state; and to provide for purchase of certain previous service credit in such system.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Johnson (RG) (with Amendment):

H. 330. To provide that any member of the Teachers' Retirement System who is employed as a teacher in the public schools of Alabama may purchase credit for such service regardless of the manner in which the member's salary was paid or the source of such funds; provided, however, that this provision shall not apply to any member who at the time of such claimed service was also a student at the institution by which he was employed.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Senator Sanders:

S. 334. To further provide for sheriff department employees; to reopen the employees' retirement system for creditable service for certain eligible employees who were excluded in prior years from participation in such system; to provide for a period of payment.

By Rep. Hooper:

H. 365. To provide for the exemption of certain property from any and all ad valorem taxes.

By Senator Dixon:

S. 367. To amend Section 31-6-2, Code of Alabama 1975, which defines certain terms for the purposes of veterans' and dependents' educational benefits, so as to provide further for the definition of "armed forces."

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. White (G) and Starkey (With Substitute):

H. 1065. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Education for the Hemophilia Program for the fiscal year ending September 30, 1989.

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Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Johnson (RG):

H. 333. To amend Section 36-30-2 of the Code of Alabama 1975, as amended, so as to increase the amount of the death benefit paid to survivors of peace officers and firement killed on duty.

By Reps. Brooks, Sanderford, and Freeman:

H. 116. To further provide for the tax liability of certain retailers who rely on legally issued state tax exempt numbers when users violate the tax exempt privilege; to authorize the state department of revenue to collect the tax from the user of the tax exemption number and certain others; to specifically provide that certain retailers are exempt from the tax liability.

By Rep. Moon:

H. 40. To amend Section 40-7-2.1, Code of Alabama 1975, as amended, relating to homestead exemptions based on age, income or disability, so as to allow such exemptions to continue without the required personal appearance to continue such exemption.

By Rep. Richardson:

H. 990. To make an appropriation of \$150,000 from vehicle inspection fees collected by the Alabama Department of Revenue for operating and maintaining the state vehicle inspection program for the fiscal year ending September 30, 1989 and for the fiscal year ending September 30, 1990.

By Reps. Kvalheim, Gaston, and Harper:

H. 625. To amend Section 40-9-1, Code of Alabama 1975, which provides for exemptions from ad valorem taxes, so as to exempt property owned by the Disabled American Veterans.

By Reps. Crow, Laird, Gray, Grouby, Petelos, Wright, Blake, Campbell, Willis, Hogan, Frazier, Johnson (RG), Mathis, Layson, Warren, Cosby, Breedlove, Flowers, Harvey, Burke, Headley, Marks, Carter, Davis, McDowell, McClain, Drake, Coburn, Bugg, Bowling, Newman, Moon, McDwin, Dillard, Hill, Knight, Curry, Parker, Blakeney, Bryant, and Black:

H. 607. To amend Section 32-6-270, Code of Alabama 1975, which defines the term "fire fighter" for purposes of issuing distinctive license plates, so as to include retired fire fighters within said definition.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Haynes:

H. 554. To amend Section 12-12-31, Code of Alabama 1975, which relates to small claims actions, so as to adjust the jurisdictional amount of the claims.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Manley (With Notice and Proof):

S. 712. Relating to Conecuh County; to repeal Sections 8 and 9 of Act No. 86-322 of the 1986 Regular Session which relates to the composition, power and duties of the county governing body, so as to repeal the provisions pertaining to the county administrator and the county engineer.

By Rep. Parker (With Notice and Proof):

H. 857. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

By Rep. Blake (With Notice and Proof):

H. 866. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city and to provide for a referendum.

By Rep. Hogan (With Notice and Proof):

H. 1021. Relating to Walker County; amending Sections 6 and 14 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263) as amended, relating to the county civil service system, so as to provide further for the compensation of the members of the civil service board; and to provide for electronically recorded hearings and for transcripts.

By Reps. Parker and Drake (With Notice and Proof):

H. 1023. Relating to portions of Morgan County, to authorize the county governing body to levy an additional ad valorem tax, to provide said tax shall be subject to voter approval at a referendum, to provide for the collection and administration of said tax, to provide for the distribution of funds derived from said tax to volunteer fire departments and certain emergency medical technicians, to establish certain standards for eligible volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department and to provide that the county shall be immune from certain liability.

By Rep. Parker (With Notice and Proof):

H. 1024. Relating to Morgan County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Morgan County 2015 Commission"; to provide for the composition, officers and duties of the commission.

By Reps. Knight and Hill (With Notice and Proof):

H. 1050. Relating to Shelby County; approving an increase of the three mill countywide ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by seven mills to ten mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional seven mill tax to be levied and collected by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1989, to September 30, 1990 (the tax for which year will be due

and payable October 1, 1990) and ending with the levy for the tax year October 1, 2016, to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Shelby County at a special election called and held in accordance with the laws governing special elections.

By Rep. Blakeney (With Notice and Proof):

H. 1044. Relating to Marengo County; providing for a certain expense allowance and a certain mileage allowance for the coroner and specifically repealing Act No. 79-522, H. 397, approved July 30, 1979 (Acts 1979, p. 934), Act No. 81-71, H. 86, approved February 26, 1981 (Acts 1981, p. 94), and Act No. 85-895, H. 82, approved September 19, 1985 (Acts 1985, Second Special Session, p. 154).

By Rep. Clark (J) (With Notice and Proof):

H. 1020. Relating to Barbour County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

By Reps. Willis, Crow, and Campbell:

H. 1014. Proposing an amendment to the Constitution of Alabama of 1901, providing for fire protection districts in Calhoun County and the financing of such districts through the levy and collection of additional property taxes in such districts.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Campbell (With Notice and Proof):

H. 1019. Relating to Calhoun County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide for the collection and disposition of a special indexing fee; and to provide said system shall constitute official and permanent records in Calhoun County.

By Rep. Willis (With Notice and Proof):

H. 1053. Relating to the City of Jacksonville in Calhoun County, to amend Act 2182, H. 2753 of the 1971 Regular Session (Acts of 1971, p. 3489) as last amended, pertaining to the Jacksonville Civil Service System, so as to alter the compensation of board members; to provide for the board's annual budget; and to alter the number of persons on an eligible list from which the appointing authority may select.

By Reps. Crow, Willis, and Campbell (With Notice and Proof):

H. 1057. Relating to Calhoun County, Alabama; to authorize Calhoun County in the furtherance of the public health, safety and general welfare of the citizens of the county to engage in arranging for fire hydrants on and along all water mains of appropriate diameter in unincorporated areas of Calhoun County; to authorize Calhoun County to negotiate and enter into agreements, with any entity or entities owning or maintaining water mains or systems, as may be necessary to allow fire hydrants to be provided pursuant to the provisions of this act; to provide for the county's responsibility in

regard to fire hydrants provided pursuant to this act; to authorize Calhoun County to establish and maintain special funds for the purposes of providing such fire hydrants and for the inspection and maintenance of such fire hydrants; to allow the investment by the county of funds so as to generate adequate income for the continued inspection and maintenance of fire hydrants provided pursuant to this act; to authorize Calhoun County to set the amount required for the purchase and installation of a fire hydrant and the amount necessary to provide for the continued inspection and maintenance of a fire hydrant; to require a person or legal entity desiring a fire hydrant to pay the county the amounts set by the county commission for its purchase and installation and its inspection and maintenance; to provide that all entities now or in the future providing water or water services within the boundaries of Calhoun County shall be required to make all purchases, and to do all installations, maintenance and servicing of fire hydrants, provided under the provisions of this act, for their usual and customary charges for such purchases and services; to authorize Calhoun County to levy and collect an inspection and maintenance fee should such become necessary; to require municipalities which are formed or which annex land with fire hydrants into their corporate limits to assume full responsibility for the continued inspection and maintenance of fire hydrants within such annexed or newly incorporated areas, or to provide for the adequate assumption of such responsibility; and to provide that the furnishing of fire hydrants pursuant to this act is a governmental function and to exempt Calhoun County from all tort liability in connection with the providing of fire hydrants pursuant to this act.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Turner and Box (With Notice and Proof):

H. 1059. Relating to Mobile County and the practice of barbering; amending Sections 8 and 14 of Act No. 678, H. 1364 of the 1961 Regular Session entitled "An Act Regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof in all counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census," (1961 Acts, p. 940), relating to renewal of licenses and fees charged and collected by the Board of Barber Commissioners so as to provide further for requirements for license renewals and fees to be charged and collected by the said board.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Notice and Proof):

S. 707. To authorize the pension board established by Act Number 393 of the 1975 Regular Session of the Legislature of Alabama for officers and

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employees of library boards in cities having a population of 300,000 or more according to the 1970 or any subsequent census, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other person's dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said pension board shall be authorized to increase such benefits.

By Senator Hilliard (With Notice and Proof):

S. 708. Relating to Jefferson County, to limit the amount of occupational license fees which can be levied or collected by the county government.

By Rep. Biddle (With Notice and Proof):

H. 966. This bill establishes an expense allowance for the sheriff of Jefferson County, Alabama, and provides that this act shall begin immediately and at the beginning of each term of office of said sheriff thereafter; including manner in which said allowance will be paid.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bills have been returned to the end of the Regular Order Calendar, to-wit:

By Rep. Harper:

H. 985. To amend Act No. 88-872 of the 1988 First Special Session by imposing certain additional per ton fees on operators of commercial sites for the disposal of hazardous wastes or hazardous substances.

By Rep. Harper:

H. 989. To amend Act No. 88-872 of the 1988 First Special Session relative to the tax levied on the disposal of hazardous waste generated outside the State of Alabama to impose a "prevailing rate" fee on such waste.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Rep. Breedlove:

H. 676. To amend Sections 24-7-1, 24-7-2, 24-7-3, and 24-7-4, Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to define the term "reservation," provide further for the appointment of members of the Authority, delete the reference to the Civil Rights Act of 1968, and provide further for the duties, powers and area of operation of the Authority.

By Rep. Hammett:

H. 854. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and distribution of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended, to provide (in certain cases) for the distribution of less than all such net income if and to the extent specified in the certificate of incorporation of a gas district, and to provide that the inclusion in any such certificate of incorporation of provisions authorizing the distribution of less than all such net income shall operate both prospectively and retrospectively.

By Rep. Newton (D):

H. 58. To amend Sections 41-16-20 and 41-16-24, Code of Alabama 1975, relating to competitive bidding on public contracts, so as to provide further for the minimum amount of certain purchases and contracts that must be subjected to competitive bid procedures.

By Reps. Breedlove, Clark (J), Blakeney, Butler, Venable, White (F), Carter, Thomas, Laird, Fuller, Adams, Headley, Buskey (JL), Bryant, Beasley, Carothers, Johnson (RG), Biddle, Freeman, Mathis, Hall, Cosby, Harper, Hammett, and Buskey (JE):

H. 950. To amend Act 88-824, so as to extend amnesty for payment of ad valorem taxes on tangible personal property by revising the date for filing, assessment, and payment of taxes to June 30, 1989.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 211. COMMENDING WILLIE MAE WATKINS.

Also:

S. R. 212. COMMENDING PAT WALDROP FOR DISTINGUISHED SERVICE TO LIMESTONE COUNTY.

Also:

S. R. 213. COMMENDING BILL SCHUELER FOR DISTINGUISHED SERVICE TO LIMESTONE COUNTY.

Also:

S. R. 214. COMMENDING JOE JOHNSON FOR DISTINGUISHED SERVICE TO LIMESTONE COUNTY.

Which was filed.

Senator Bedford offered the following Senate Resolutions, to-wit:

S. R. 215. COMMENDING DOUG KENNEDY OF HALEYVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. R. 216. COMMENDING TAMMY COLE, OF BEAVERTON, ALABAMA, ON OUTSTANDING ACHIEVEMENTS.

Which were filed.

Senator Amari offered the following Senate Resolution, to-wit:

S. R. 217. CONGRATULATING NEW LIFE CHURCH OF THE NAZARENE, TRUSSVILLE, ALABAMA.

Which was filed.

BILLS ON THIRD READING

THE BILL:

S. 698. Relating to the City of Tusculumbia in Colbert County; waiving certain city taxes on certain annexed farm land.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 698, to-wit:

AMENDMENT TO S. B. 698

Amend Senate Bill No. 698 as follows:

On page 1, insert the following new Section 3 after line 26 and renumber subsequent sections accordingly:

Section 3. Any property located within an annexation dispute or contest on the effective date of this act shall be exempt from the provisions of this act until such time said dispute or contest is removed.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Hale	Parsons
Bailey	Covington	Hand	Preuitt
Barron	Denton	Holmes	Sanders
Bedsole	Dixon	Horn	Smith (B)
Bishop	Drinkard	Langford	Smith (J)
Cabaniss	Ellis	Manley	Windom
Campbell	Foshee		

—25

Nays: —0

And said Bill, S. B. 698, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Hale	Parsons
Bailey	Covington	Hand	Preuitt
Barron	Denton	Holmes	Sanders
Bedsole	Dixon	Horn	Smith (B)
Bishop	Drinkard	Langford	Smith (J)
Cabaniss	Ellis	Manley	Windom
Campbell	Foshee		

—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 142. To create the Dietetics/Nutrition Practice Act and to provide for a board of examiners, and to prescribe the method of appointment; its duties and authorities; and to provide for licensing qualifications, renewals and revocation, exemptions, reciprocity, and penalties.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 192. COMMENDING THE BIRMINGHAM STARS U-15 SOCCER TEAM FOR THEIR OUTSTANDING ACCOMPLISHMENTS.

Also:

S. J. R. 193. COMMENDING COACH RUDY ABBOTT OF JACKSONVILLE STATE UNIVERSITY.

Also:

S. J. R. 194. RECOGNIZING WITH COMMENDATION THE FIRST 85 YEARS OF SERVICE OF THE MONROE COUNTY BANK.

Also:

S. J. R. 201. CONGRATULATING CALVIN P. KEITH, MONTGOMERY, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

S. J. R. 203. CONGRATULATING THE HONORABLE WILLIAM A. BOWEN, MONTGOMERY, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

S. J. R. 204. COMMENDING THE UNIVERSITY OF ALABAMA IN HUNTSVILLE AS THE SPONSOR OF AMERICA'S FIRST LICENSED COMMERCIAL SPACE FLIGHT.

Also:

S. J. R. 205. DESIGNATING SEPTEMBER 24, 1989, AS "UNITED STATES MARSHALS BICENTENNIAL DAY."

Also:

S. J. R. 207. NAMING THE VOCATIONAL EDUCATION BUILDING AT MONTEVALLO HIGH SCHOOL, MONTEVALLO, ALABAMA, IN HONOR OF MELTON D. "MOON" THORNTON.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 858. Relating to Morgan County, providing further for expense allowances for the chairman and associate commissioners of the county commission.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Mitchem
Amari	deGraffenried	Hale	Parsons
Barron	Denton	Hilliard	Rice
Bedford	Dial	Holmes	Sanders
Bennett	Dixon	Horn	Smith (B)
Bishop	Drinkard	Manley	Windom
Campbell	Figures		

—25

Nays:

—0

THE BILL:

H. 931. Relating to Calhoun County, Alabama, to allow, in addition to the uses now otherwise allowed, the use of funds collected or obtained pursuant to the provisions of Title 11, Subtitle 3, Chapter 98, Code of Alabama 1975, by communications districts in said county, for the purchasing of road and street signs necessary for roads and streets which are renamed in order to establish E 911 service; due to the local needs of Calhoun County not having been otherwise provided for by other legislation.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Mitchem
Amari	Corbett	Goodwin	Preuitt
Bailey	Covington	Hale	Rice
Bedford	deGraffenried	Holmes	Sanders
Bedsole	Denton	Langford	Smith (B)
Bennett	Ellis	Manley	Smith (J)
Bishop	Figures		

—25

Nays:

—0

THE BILL:

H. 428. Relating to Jefferson County; to amend further Section 3 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), as amended most recently by Act No. 225, S. 271, 1987 Regular Session (Acts 1987, p. 316), pertaining to Personnel Boards of certain counties classified on a population basis, so as to provide further for an expense allowance for board members and the chairman for attendance of meetings of the boards and for attendance upon trials or hearings.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons
Amari	deGraffenried	Goodwin	Rice
Barron	Denton	Hale	Sanders
Bedford	Dial	Hilliard	Smith (B)
Bennett	Dixon	Horn	Smith (J)
Cabaniss	Drinkard	Manley	Windom
Corbett	Ellis		

—25

Nays:

—0

THE BILL:

H. 767. Relating to Jefferson County; authorizing the Director of Revenue, Commissioner of Licenses or License Inspector to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons	
Amari	deGraffenried	Goodwin	Rice	
Barron	Denton	Hale	Sanders	
Bedford	Dial	Hilliard	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Cabaniss	Drinkard	Manley	Windom	
Corbett	Ellis			—25

Nays: —0

THE BILL:

H. 822. To establish the salaries for the following officers of Jefferson County, Alabama: the president of the county commission and the four associate county commissioners; and to provide that the salaries as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

was read a third time at length and passed.

Yeas 5; Nays 2.

Yeas:

Senators:	Bennett	Ellis	Horn	
Barron	Cabaniss			—5

Nays:

Senators:	Amari	Parsons	—2
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The President and Presiding Officer of the Senate declared a quorum present but not voting.

THE BILL:

H. 824. To establish an expense allowance for the following officers of Jefferson County, Alabama: the County Commissioners; and to provide that such expense allowance as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

was read a third time at length and passed.

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Yeas 25; Nays 2.

Yeas:

Senators:	Covington	Goodwin	Preuitt
Bailey	deGraffenried	Hale	Rice
Barron	Denton	Hilliard	Sanders
Bedford	Drinkard	Horn	Smith (B)
Bennett	Ellis	Manley	Smith (J)
Cabaniss	Figures	Mitchem	Windom
Corbett	Foshee		

—25

Nays:

Senators:	Amari	Parsons	—2
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THE BILL:

H. 834. Relating to Jefferson County; amending Section 6 of Act No. 547, H. 1176, 1965 Regular Session, relating to the powers of the civic center authority established pursuant to said act, so as to specify in a more general and comprehensive manner the types of facilities that said authority may own, operate and manage.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Manley
Amari	deGraffenried	Foshee	Parsons
Barron	Denton	Goodwin	Sanders
Bedford	Dial	Hale	Smith (B)
Bennett	Dixon	Hilliard	Smith (J)
Cabaniss	Drinkard	Horn	Windom
Corbett	Ellis		

—25

Nays:

—0

THE BILL:

H. 922. Relating to Jefferson County; to further amend Section 19 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a countywide civil service system; to provide for leaves of absence and vacation for permanent employees holding full-time positions under jurisdiction of this act at the option of the appointing authority, and to provide for related matters.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Parsons	
Amari	Denton	Goodwin	Rice	
Bedford	Dial	Hale	Sanders	
Bennett	Dixon	Hilliard	Smith (B)	
Cabaniss	Drinkard	Horn	Smith (J)	
Corbett	Ellis	Manley	Windom	
Covington	Figures			—25

Nays: —0

THE BILL:

H. 875. To provide that any Class 1 municipality that owns a civic center, or any public corporation that owns a civic center located within a Class 1 municipality, shall have the power to own and operate a hotel of sufficient size and quality to accommodate persons attending conventions held at such civic center, as well as any related restaurants, meeting rooms and other facilities and services commonly provided by hotels; and to provide that any such municipality or public corporation shall be able to provide for the operation of any such hotel by entering into one or more management contracts with private companies and that any such management contract shall be exempt from the requirements of competitive bid laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons	
Amari	deGraffenried	Foshee	Rice	
Barron	Denton	Goodwin	Sanders	
Bedford	Dial	Hilliard	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Cabaniss	Drinkard	Manley	Windom	
Corbett	Ellis			—25

Nays: —0

THE BILL:

H. 895. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Michael P. Sweatt for a pension based upon extraordinary disability and to award such pension if, in the judgement of the Board of Managers, such pension is required, and to provide for the conditions and limitations applying to such pension, and to set an effective date.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons
Amari	deGraffenried	Foshee	Rice
Barron	Denton	Goodwin	Sanders
Bedford	Dial	Hilliard	Smith (B)
Bennett	Dixon	Horn	Smith (J)
Cabaniss	Drinkard	Manley	Windom
Corbett	Ellis		

—25

Nays: —0

THE BILL:

S. 690. Relating to Baldwin County; to establish a "Baldwin County Oil and Gas Severance Tax Trust Fund" on producers of oil and gas and other hydrocarbons, plus certain income or interest; to regulate and provide for the administration of the expenditures of such trust funds by the county commission; to provide for the maximum funding of said trust fund; to specifically repeal, following the full funding of such trust fund established with respect to Baldwin County, Act No. 2120, H. 2450, Regular Session 1971 (Acts 1971, Vol. V, p. 3399), as amended, relating to Baldwin County privilege tax on persons engaged in the business of producing or severing oil or gas or other hydrocarbons from the soil or the waters, to specifically provide that this bill shall not be construed to repeal that part of Title 40, Code of Alabama 1975, as amended, which provides for the levy of certain taxes upon the production or severing oil or gas from the soil or waters of the state; and to provide for non-severability construction and an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley
Bailey	Corbett	Foshee	Mitchem
Barron	deGraffenried	Goodwin	Preuitt
Bedford	Denton	Hand	Rice
Bedsole	Dial	Holmes	Sanders
Bennett	Dixon	Langford	Windom
Bishop	Ellis		

—25

Nays: —0

THE BILL:

S. 701. Relating to Baldwin County; amending Act No. 80-497, H. 1059, 1980 Regular Session (Acts 1980, p. 769), authorizing the county commission to establish and designate historic districts in the county so as to provide further for definitions; applications and requirements for historic district and preservation district designations; enlarging designated historic district or preservation district; rescinding historic district or preservation district designation; and applications and requirements for rescission.

was taken up.

Senator Hand offered the following amendment to the Bill, S. B. 701, to-wit:

AMENDMENT TO S. B. 701

Amend S. B. 701 as follows:

On page 6, line 2, after the word "than" delete "seventy-five (75) percent, which shall also consist of not less than seventy-five (75) percent of the property," and insert the following:

seventy (70) percent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Amari	Covington	Hale	Parsons	
Bailey	Denton	Hilliard	Preuitt	
Barron	Dial	Holmes	Sanders	
Bedsole	Dixon	Horn	Smith (B)	
Bennett	Drinkard	Manley	Smith (J)	
Bishop	Ellis			—25

Nays:

—0

Senator Hand then offered the following amendment No. 2 to the Bill, S. B. 701, as amended, to-wit:

AMENDMENT NO. 2 TO S. B. 701, AS AMENDED

Amend S. 701 by changing the period after the word "act" on page 10, line 12, to a semicolon and inserting after such semicolon the following:

"provided however that nothing in this act shall be construed to authorize the county commission or any architectural review board, preservation district review board or historic development commission or any other entity created under this act to prevent or regulate the construction or placement of utility poles, wires or equipment in any historic district or preservation district."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Bailey	Covington	Hale	Preuitt	
Barron	deGraffenried	Hand	Rice	
Bedsole	Dial	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Drinkard	Langford	Windom	
Cabaniss	Figures			—25

Nays:

—0

And said Bill, S. B. 701, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hale	Manley
Amari	Covington	Hand	Parsons
Barron	deGraffenried	Hilliard	Preuitt
Bedford	Dial	Holmes	Sanders
Bedsole	Dixon	Horn	Smith (B)
Bennett	Figures	Langford	Windom
Cabaniss	Foshee		

—25

Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 26. To amend Code of Alabama 1975, Sections 8-19-3, 8-19-5, 8-19-6 and 8-19-8 relating to the Alabama Deceptive Trade Practices Act so as to add the definitions of certain terms and unlawful trade practices; to clarify the unlawful trade practice of odometer tampering and to provide as an unlawful trade practice certain acts relating to promotional giveaways, health spas, career consulting firms, credit repair services and debt adjustment services for a fee; to authorize the Attorney General to formulate rules and regulations for enforcing Act; to provide for execution of voluntary compliance agreement; to provide felony penalty for specific violations.

BILL DRINKARD,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 401. To amend Section 8-8-15, Code of Alabama 1975, which provides for a charge for the issuance of bad checks, so as to provide further for said worthless check charge.

BILL DRINKARD,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 152. To authorize the board of pardons and paroles to establish an intensive supervision program and to determine which persons under supervision shall be assigned to such program; to authorize promulgation of

regulations pertaining to conditions of supervision and collection of fees to defray the expense of this program.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 633. To propose an amendment to the Constitution of Alabama 1901 for Perry County to provide further for filling vacancies in certain county offices.

Also:

S. 634. To propose an amendment to the Constitution of Alabama 1901 for Greene County to provide further for filling vacancies in certain county offices.

Also:

S. 635. To propose an amendment to the Constitution of Alabama 1901 for Sumter County to provide further for filling vacancies in certain county offices.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 259. To amend Section 32-5-222, Code of Alabama 1975, as amended, relating to child passenger restraints in motor vehicles, so as to provide further therefor.

Also:

S. 547. This bill expands the enforcement authority of the Medicaid Agency of Alabama to ensure that compliance with nursing home enforcement process reform provisions of the Omnibus Budget Reconciliation Act of the 1987 P.L. 100-203.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 61. To establish an Alabama Uniform Fraudulent Transfer Act; to provide definitions; to provide for debtor insolvency; to clarify the meaning of value; to provide for determination as to transfers fraudulent as to present and future creditors; to provide for determination as to when the transfer is made; to provide remedies of creditors, provisions for defenses, liability and protection of the transferee; and how a claim for relief is extinguished; to provide for application of the act; to repeal Alabama Code sections 8-9-6, 8-9-7, and 8-9-9 (1975) as amended relating to fraudulent conveyances and assignments of property to defraud creditors; and to provide that the Act shall become effective January 1, 1990.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 225. To amend Sections 14-10-1 and 14-10-2, Code of Alabama 1975, relating to the discharge of state inmates, so as to allow the department of

corrections to establish reasonable regulations determining those state convicts who shall receive discharge benefits, to change the definition of the clothing issue, to limit the application of the discharge benefit to once per offense, to allow state inmates to waive discharge benefits and to provide for documentation for identification.

Also:

S. 562. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county effective October 1, 1988.

Also:

S. 563. Providing for a local salary supplement for the district judges of the 17th judicial circuit; providing that any local salary supplement provided for said judges by this act shall be in lieu of all local salary supplements and expense allowances heretofore provided by law for said judges; prescribing the methods for determining and funding the local salary supplement provided by this act for said judges; and repealing Act No. 81-1059, H. 6, 1981 Second Special Session.

Also:

S. 565. Relating to Pike County; separating the office of the judge of probate from the chairmanship of the county commission pursuant to Constitutional Amendment 503 to the Constitution of 1901; providing for the compensation of such officers and transferring the duties, authority, records, assets and funds of such officers; and providing for the effective date.

WHEREAS, the people of Pike County have spoken, by ratifying Act No. 88-308, H. 894 of the 1988 Regular Session on November 8, 1988, which act became Constitutional Amendment 503 to the Constitution of 1901, and approved the Pike County Government Modernization Amendment; and

WHEREAS, Amendment No. 503 to the Constitution of 1901, prescribes, in part, that the office of the judge of probate and the chairmanship of the county commission shall be separated; transferring duties, records, assets and funds of such offices; providing for the qualifications and election procedures and compensation for such chairman and the judge of probate, and the effective date; now therefore,

Also:

S. 640. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Also:

S. 649. Relating to Shelby County; authorizing the county commission to provide an increase in county salary supplement for each circuit judge and district attorney within the eighteenth judicial circuit and each Shelby County district judge.

Also:

S. 659. Relating to portions of Morgan County, to authorize the county governing body to levy an additional ad valorem tax, to provide said tax shall be subject to voter approval at a referendum, to provide for the collection and administration of said tax, to provide for the distribution of funds derived from said tax to volunteer fire departments and certain emergency medical technicians, to establish certain standards for eligible volunteer fire

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departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department and to provide that the county shall be immune from certain liability.

Also:

S. 660. Relating to Morgan County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Morgan County 2015 Commission"; to provide for the composition, officers and duties of the commission.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 702. Relating to Orange Beach in Baldwin County, so as to alter, rearrange and extend the boundary lines and corporate limits of the Town of Orange Beach.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Langford
Amari	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Parsons
Bedford	Dixon	Hilliard	Rice
Bennett	Drinkard	Holmes	Smith (B)
Bishop	Ellis	Horn	Smith (J)
Campbell	Figures		

—25

Nays: —0

THE BILL:

S. 703. Relating to the Town of Orange Beach in Baldwin County; to alter and rearrange the boundary lines and corporate limits of the Town of Orange Beach by removing certain parcels of land; and to further alter and rearrange the said boundary lines and corporate limits of Orange Beach by adding certain parcels of land, subject to the referendum election approval by a majority of the electors residing within the territory proposed to be brought within.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Holmes	
Amari	Campbell	Foshee	Mitchem	
Bailey	Corbett	Goodwin	Parsons	
Barron	Covington	Hale	Preuitt	
Bedford	deGraffenried	Hand	Rice	
Bedsole	Denton	Hilliard	Sanders	
Bennett	Dial			—25

Nays:

—0

RESOLUTION

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 218. HONORING JOHN NED SHINES OF COALING, ALABAMA.

WHEREAS, although a native of Tennessee, the great bluesman, John Ned "Johnny" Shines has resided in Alabama for the past twenty years; and

WHEREAS, from his young years in Tennessee and his early association with such blues greats as Howling Wolf and Robert Johnson, to his continuing contributions to this unique American art form, Johnny Shines' life mirrors the evolution of the blues from his Delta roots through the Chicago period to the electric sound; and

WHEREAS, Johnny Shines, as Alabamian in whom we are justly proud, has performed at festivals and concerts throughout this country and Europe, and today he is recognized as one of the country's greatest living bluesmen; and

WHEREAS, by his musical genius and talent, Johnny Shines has enriched the lives of blues lovers throughout the world and, in reflection of his fame, the State of Alabama has enjoyed favorable recognition both at home and abroad; and

WHEREAS, the Alabama Council on the Arts, in appreciation of his contributions to the preservation and furtherance of the blues, is presenting Johnny Shines with the state's "Living Treasure" Heritage Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of commendation with the Alabama Council on the Arts, we stand in tribute to the accomplishments and contributions of John Ned Shines as a living legend in the world of blues.

BE IT FURTHER RESOLVED, That in token of highest honor and esteem, a copy of this resolution shall be presented to Mr. Shines.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 577. Relating to Madison County; to authorize the county commission to designate an official county historian and appropriate an honorarium for same.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Mitchem
Amari	Corbett	Foshee	Parsons
Barron	deGraffenried	Hale	Preuitt
Bedsole	Denton	Hilliard	Rice
Bennett	Dial	Holmes	Smith (B)
Bishop	Dixon	Langford	Smith (J)
Cabaniss	Drinkard		

—25

Nays:

—0

THE BILL:

H. 655. Relating to Madison County; to exempt the Optimist Club of Hazel Green, Inc., from all county or local ad valorem taxation.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley
Amari	deGraffenried	Hale	Mitchem
Barron	Denton	Hilliard	Preuitt
Bedsole	Dial	Holmes	Rice
Bennett	Dixon	Horn	Smith (B)
Cabaniss	Ellis	Langford	Smith (J)
Campbell	Figures		

—25

Nays:

—0

THE BILL:

H. 909. Relating to the 24th judicial circuit; amending Section 1 of Act No. 86-553, S. 641, of the Regular Session of 1986 (Acts 1986, p. 1127), which provides a monthly expense allowance for the presiding judge, so as to remove the restriction on such allowance to certain travel expenses.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Mitchem	
Amari	deGraffenried	Goodwin	Parsons	
Bailey	Denton	Hand	Preuitt	
Bedford	Dial	Holmes	Rice	
Bishop	Dixon	Langford	Sanders	
Campbell	Ellis	Manley	Windom	
Corbett	Figures			—25

Nays: —0

THE BILL:

H. 910. Relating to the 24th judicial circuit; amending Section 1 of Act No. 86-691, H. 123, of the First Special Session of 1986 (Acts 1st Special Session 1986, p. 96), which provides a monthly expense allowance for the district attorney, so as to remove the restriction on such allowance to certain travel expenses.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Mitchem	
Amari	deGraffenried	Hand	Parsons	
Bailey	Denton	Holmes	Rice	
Bedford	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Campbell	Figures	Manley	Windom	
Corbett	Goodwin			—25

Nays: —0

THE BILL:

H. 892. Relating to Walker County; to provide monies to the Juvenile Court Advisory Committee Fund in order to finance any group homes, detention facility, shelter care facility or Court, Juvenile Court or Municipal Courts of Walker County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	deGraffenried	Hale	Preuitt	
Bailey	Dial	Hand	Rice	
Barron	Dixon	Holmes	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bishop	Figures	Manley	Smith (J)	
Campbell	Foshee			—25

Nays: —0

THE BILL:

H. 986. Relating to Cherokee County, to alter, rearrange and extend the boundary lines and corporate limits of the Town of Leesburg, in Cherokee County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Bailey	Covington	Hale	Parsons	
Barron	deGraffenried	Hand	Rice	
Bedford	Dial	Hilliard	Sanders	
Bennett	Drinkard	Horn	Smith (J)	
Bishop	Ellis	Manley	Windom	
Cabaniss	Figures			—25

Nays: —0

THE BILL:

H. 868. Relating to Walker County, providing further for the compensation of the county treasurer.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Mitchem	
Amari	deGraffenried	Hale	Preuitt	
Barron	Denton	Hand	Sanders	
Bedsole	Dixon	Hilliard	Smith (B)	
Bishop	Drinkard	Holmes	Smith(J)	
Campbell	Ellis	Langford	Windom	
Corbett	Figures			—25

Nays: —0

THE BILL:

H. 869. Relating to Walker County; to amend Section 3 of Act No. 1067, S. 938 of the 1973 Regular Session (Acts 1973, p. 1802), as amended, relating to the county commission, so as to provide further for the meetings of said commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Amari	Covington	Goodwin	Parsons	
Bailey	deGraffenried	Hale	Preuitt	
Bedford	Dial	Hand	Rice	
Bedsole	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Langford	Windom	
Campbell	Figures			—25

Nays: —0

THE BILL:

S. 683. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County, annexing certain territory to the city.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford	
Amari	Corbett	Foshee	Parsons	
Barron	Covington	Hale	Preuitt	
Bedsole	Dial	Hilliard	Rice	
Bennett	Dixon	Holmes	Smith (B)	
Bishop	Drinkard	Horn	Smith (J)	
Cabaniss	Ellis			—25

Nays:

—0

THE BILL:

S. 710. Relating to Lamar County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Lamar County; and providing for a referendum election.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Amari	Corbett	Hand	Parsons	
Bailey	deGraffenried	Holmes	Preuitt	
Bedford	Denton	Horn	Rice	
Bennett	Dial	Langford	Sanders	
Bishop	Dixon	Manley	Windom	
Cabaniss	Drinkard			—25

Nays:

—0

THE BILL:

H. 303. Relating to Talladega County; authorizing the county to pay all of its employees whose compensation is provided for by local act, on a bi-weekly basis instead of a semi-monthly basis; to provide that the provisions of this act are supplemental and are to be construed in pari materia with other laws regulating compensation; and to provide further that those laws or parts of laws that are in direct conflict or inconsistent with this act are repealed hereby.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Manley
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures		

—25

Nays: —0

THE BILL:

H. 693. Relating to the City of Florence; to provide for the establishment of a civic center; to provide for the creation of a public corporation hereinafter called "the Authority," for the purpose of establishing, maintaining and operating such civic center; to provide that the Authority shall be governed by a board of directors and that its affairs shall be managed and controlled by the board of directors; to define the powers and authority of the board of directors, including the power to construct, maintain, control, operate and manage a civic center and to borrow money and issue revenue bonds for such purpose; to prescribe the membership of the board of directors, the terms of office of the members thereof and to provide for their appointment and compensation; to prescribe the duties of the board of directors; to confer upon the Authority the power of eminent domain; to prescribe the type of buildings which may be erected as a part of such civic center and the use of such buildings; and to authorize the municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of the municipality.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford
Amari	Corbett	Hale	Manley
Bailey	Covington	Hand	Preuitt
Barron	Denton	Hilliard	Rice
Bedford	Dixon	Holmes	Sanders
Bishop	Drinkard	Horn	Smith (J)
Cabaniss	Ellis		

—25

Nays: —0

THE BILL:

H. 695. Relating to Lauderdale County; authorizing the county commission to levy an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at a certain rate; to provide for the collection and payment of such tax and to provide for the distribution of the funds derived therefrom; to authorize the Lauderdale County Commission to make reasonable rules and regulations for

the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Lauderdale County Commission for the collection of said taxes.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Langford	
Bailey	Covington	Hale	Mitchem	
Barron	Denton	Hand	Parsons	
Bedsole	Dixon	Hilliard	Preuitt	
Bennett	Drinkard	Holmes	Sanders	
Bishop	Ellis	Horn	Smith (J)	
Campbell	Foshee			—25

Nays: —0

THE BILL:

H. 948. Relating to Marion County, to amend Act No. 79-259, H. 665 of the 1979 Regular Session (Acts of 1979, p. 399) pertaining to the county commission's authority in regard to constructing and maintaining certain roads and driveways, so as to grant said authority to municipalities located in Marion County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Covington	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Parsons	
Bedford	Dial	Hand	Rice	
Bennett	Dixon	Holmes	Smith (B)	
Bishop	Ellis	Horn	Windom	
Cabaniss	Figures			—25

Nays: —0

THE BILL:

H. 1025. Relating to Lawrence County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Lawrence County 2015 Commission"; to provide for the composition, officers and duties of the commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Parsons	
Barron	Denton	Hilliard	Preuitt	
Bedsole	Dial	Horn	Sanders	
Bennett	Dixon	Langford	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Campbell	Foshee			—25

Nays: —0

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THE BILL:

H. 1026. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780 of the 1986 Regular Session (Acts 1986, p. 595) relating to the salary and expense allowances of the county superintendent of education so as to provide further for such salary and allowances.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons	
Amari	Covington	Hale	Preuitt	
Bailey	Denton	Hand	Rice	
Bedford	Dixon	Hilliard	Sanders	
Bedsole	Drinkard	Holmes	Smith (B)	
Bennett	Figures	Langford	Windom	
Bishop	Foshee			—25

Nays: —0

THE BILL:

H. 1027. Relating to Lawrence County; providing for the establishment of a system for assessment and collection of taxes and issuance of licenses under the supervision of elected county officials designated as county revenue commissioner and county license commissioner upon referendum approved by the electors of the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Parsons	
Amari	Covington	Hand	Preuitt	
Bailey	deGraffenried	Hilliard	Rice	
Barron	Dial	Horn	Sanders	
Bedsole	Drinkard	Manley	Smith (J)	
Bennett	Ellis	Mitchem	Windom	
Bishop	Figures			—25

Nays: —0

THE BILL:

H. 1029. Relating to Lawrence County, to increase certain court costs and provide for the distribution of the additional court costs.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Mitchem	
Amari	deGraffenried	Hand	Parsons	
Bailey	Denton	Hilliard	Preuitt	
Barron	Dial	Horn	Sanders	
Bedford	Dixon	Langford	Smith (B)	
Bedsole	Figures	Manley	Smith (J)	
Campbell	Foshee			—25

Nays: —0

THE BILL:

H. 1031. Relating to Cherokee County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

was taken up.

Senator Dial offered the following amendment to the Bill, H. B. 1031, to-wit:

AMENDMENT TO H. B. 1031

Amend H. B. 1031, Section 3, Page 3, line 26, by inserting the following new language immediately after the period to read:

In accordance with Section 40-25-2(q), in the event the aforementioned tobacco stamps are not available, for affixing to tobacco products packages and containers, or by the authority of a duly promulgated regulation eliminating the requirement of affixing stamps, the commissioner of revenue may require a monthly report in lieu of stamps to report the amount of tax due. Said monthly report shall be in a form approved by the commissioner of revenue, and adopted by the department of revenue under the provisions of the Alabama Administrative Procedures Act, Title 41, Chapter 22, Code of Alabama 1975.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Amari	Corbett	Foshee	Mitchem	
Bailey	Covington	Hale	Parsons	
Barron	deGraffenried	Hand	Preuitt	
Bedford	Dial	Holmes	Rice	
Bedsole	Drinkard	Horn	Sanders	
Cabaniss	Ellis			—25

Nays: —0

And said Bill, H. B. 1031, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Amari	Covington	Goodwin	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Barron	Dial	Hilliard	Smith (B)	
Bedford	Drinkard	Horn	Smith (J)	
Bennett	Ellis	Langford	Windom	
Cabaniss	Figures			—25

Nays: —0

THE BILL:

H. 1035. To authorize the governing body of Wetumpka to establish an Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within Wetumpka, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedure for operations and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; and to provide for appeals and other judicial processes.

was taken up.

Senator Preuitt offered the following amendment to the Bill, H. B. 1035, to-wit:

AMENDMENT TO H. B. 1035

Amend H. B. 1035, on page 13, line 5, after "board." insert the following Section:

Section 16. The provisions of this act shall not apply to a highway, road, street, bridge, or utility structure or facility, nor to any highway, road, street, bridge or utility structure or facility to be constructed or improved, including any property, building or other structure or facility to be changed, moved, demolished, acquired or utilized in connection therewith, or within an historic district or an area designated as historic properties under this act, nor to actions taken in connection therewith by public authorities or utilities charged with responsibility of constructing, maintaining, repairing or improving any such highway, road, street, bridge or utility structure or facility, including any property, building or other structure or facility to be changed, moved, demolished, acquired or utilized in connection therewith; provided further, however, that where property lying within an area designated as historic properties or as an historic district, pursuant to the provisions of this act is sought to be utilized or acquired by such public authority for the purpose of construction or improvement of a highway, road, bridge, utility structure or facility or street, and the provisions and requirements of Section 106, et seq., of the National Historic Preservation Act of 1966 (16 USCA 470), are applicable to the property acquisition or utilization, the public authority or utility may utilize or acquire any such property, building or other structure or parts thereof, and change, move or demolish any building or other structure in accordance with the applicable provisions, requirements and procedure provided for under such act, including the requirements and procedure as applicable of the Advisory Council on Historic Preservation, Section 36, Code of Federal Regulations 800 (16 USCA 470i), and in accordance with the provisions, requirements and procedure as applicable under Section 4(f) of the U. S. Department of Transportation Act of 1966, as amended, 49 USCA 1653 (f), and under 23 USCA 138.

In the event the foregoing National Historic Preservation Act or Section 4(f) are not applicable to the property, building or other structure, they shall

be exempt from the provisions of this act. and renumber the remaining sections of this bill.

Further amend H. 1035 by striking the word "Signs" on page 7, line 32, and substituting in lieu thereof the following:

"Utility poles, lines and equipment shall not be considered as structures within the meaning of this act; however, signs".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Mitchem	
Amari	Campbell	Foshee	Preuitt	
Bailey	Corbett	Goodwin	Sanders	
Barron	Denton	Hilliard	Smith (B)	
Bedford	Dial	Holmes	Smith (J)	
Bedsale	Dixon	Langford	Windom	
Bennett	Drinkard			—25

Nays: —0

And said Bill, H. B. 1035, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Amari	Covington	Goodwin	Preuitt	
Bailey	deGraffenried	Hand	Sanders	
Barron	Dial	Hilliard	Smith (B)	
Bedford	Drinkard	Holmes	Smith (J)	
Bedsale	Ellis	Langford	Windom	
Bishop	Figures			—25

Nays: —0

THE BILL:

H. 1037. Relating to Cherokee County; approving and authorizing the Cherokee County Commission to levy a certain increase in the ad valorem tax presently being levied in accordance with Amendment No. 373 to the Constitution of Alabama of 1901; providing that such increased countywide ad valorem tax shall be levied and collected by Cherokee County for each year beginning with the levy for the tax year October 1, 1989 to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2008 to September 30, 2009 (the tax for which year will be due and payable October 1, 2009) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Cherokee County at a special election called and held in accordance with the laws governing special elections.

was taken up.

Senator Dial offered the following substitute for the Bill, H. B. 1037, to-wit:

SUBSTITUTE FOR H. B. 1037
A BILL
TO BE ENTITLED
AN ACT

Relating to Cherokee County; approving and authorizing the Cherokee County Commission to levy a certain increase in the ad valorem tax presently being levied in accordance with Amendment No. 373 to the Constitution of Alabama of 1901; providing that such increased countywide ad valorem tax shall be levied and collected by Cherokee County for each year beginning with the levy for the tax year October 1, 1989 to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2008 to September 30, 2009 (the tax for which year will be due and payable October 1, 2009) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Cherokee County at a special election called and held in accordance with the laws governing special elections.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to any taxes now authorized or that may hereafter be authorized by the constitution and laws of the state of Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, the Cherokee County Commission is hereby authorized to increase the countywide ad valorem school tax presently being levied by ten mills on each one hundred dollars worth of taxable property in Cherokee County. Such ten mill increase in ad valorem tax shall be levied and collected by the governing body of Cherokee County for each year beginning with the levy for the tax year October 1, 1989 to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2008 to September 30, 2009 (the tax for which year will be due and payable October 1, 2009) for public school purposes with the proceeds from such increase to be expended at the direction of the county school board; provided, that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Cherokee County, and voted for by a majority of those voting at a special election that shall be held on May 30, 1989 to be called and held in accordance with the law governing special elections.

Section 2. The ballot to be used in the aforesaid election shall be substantially as follows, with such insertions, variations and omissions as shall be necessary to conform to the requirement of applicable law:

“Shall the countywide ad valorem taxes presently being levied and collected in Cherokee County be increased by ten (10) mills; such additional ten mill tax to be levied and collected annually beginning with the levy for the tax year October 1, 1989 to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2008 to September 20, 2009 (the tax for which year will be due and payable October 1, 2009) and the funds arising from the increased ad valorem tax to be used for public school purposes.

_____ For proposed taxation

_____ Against proposed taxation”

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Amari	Covington	Hale	Parsons	
Bailey	deGraffenried	Hand	Rice	
Barron	Dial	Hilliard	Smith (B)	
Bedford	Drinkard	Horn	Smith (J)	
Bennett	Ellis	Manley	Windom	
Cabaniss	Figures			—25

Nays: —0

And said Bill, H. B. 1037, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Bailey	Corbett	Goodwin	Preuitt	
Barron	Covington	Hilliard	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Drinkard	Horn	Smith (J)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Figures			—25

Nays: —0

THE BILL:

H. 1038. To promote the maintenance of Cherokee County's natural beauty by eliminating unsightly and unhealthy litter; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Cherokee County Health Department to enforce littering laws in Cherokee County; and to prescribe fines for violations.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Hale	Mitchem	
Bailey	Covington	Hand	Parsons	
Barron	deGraffenried	Hilliard	Preuitt	
Bedford	Dial	Holmes	Rice	
Bedsole	Drinkard	Horn	Sanders	
Bishop	Ellis	Manley	Smith (J)	
Campbell	Goodwin			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 338. To provide that in addition to the definitions and authorizations contained in Sections 27-17-16, 27-30-1, 27-30-31, 27-30-33 and 27-36-7 of the Code of Alabama 1975, mutual aid associations may provide insurance policies and contracts as are authorized for domestic life and disability insurers in chapter 3 of Title 27 of the Code of Alabama 1975, subject to the paid-in capital restrictions upon policy or contract limits.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE ON
HOUSE BILL 338

The Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill 338 have met, considered the matter, and agreed to the following:

Amendment to H. B. 338 as engrossed is attached.

LESTER WHITE,
GEORGE H. CLAY,
Conferees of the House.

W. J. CABANISS, JR.,
FOY COVINGTON,
Conferees of the Senate.

CONFERENCE COMMITTEE AMENDEMENT TO H. B. 338

In the title, on line 24, after the words "subject to the" delete the remainder of the sentence and insert in lieu thereof the following language: limits on the size and types of risks to be insured as stated in Section 27-30-15 and Section 27-30-6.1.

In Section 1, on line 34 after the words "subject to the" delete the remainder of the sentence and insert the following language: limits on the size and types of risks to be insured as stated in Section 27-30-15 and Section 27-30-6.1.

And said Bill, H. B. 338, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, H. B. 338, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Cabaniss, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B.

338, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 19; Nays 0.

Abstaining 1.

Yeas:

Senators:	Campbell	Dixon	Horn	
Bedford	Covington	Ellis	Langford	
Bennett	deGraffenried	Foshee	Manley	
Bishop	Denton	Goodwin	Preuitt	
Cabaniss	Dial	Hale	Smith (B)	—19

Nays: —0

Abstaining: Senator Corbett —1

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 576. To amend Section 32-6-3 of the Code of Alabama 1975, relating to examinations prior to application for driver's license so as to require drug testing prior to obtaining a driver's license.

BILL DRINKARD,
Chairperson.

RESOLUTION

Senator Cabaniss offered the following Senate Resolution, to-wit:

S. R. 219. RECOGNIZING THE PARTICIPATION OF JOHN J. EAGAN SCHOOL AND BE&K IN THE BIRMINGHAM ADOPT A SCHOOL PROGRAM.

Which was filed.

BILLS ON THIRD READING RESUMED

Senator Bedford requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 639. To reopen the employees' retirement system for circuit court clerical employees to purchase retirement credit for any prior period of employment of five years or more in the office of a district attorney; and to provide for the purchase of said credit at the rate of five percent of the total salary for such period of time.

And said Bill, S. B. 639, was read a third time at length and passed, and ordered sent forthwith to the House.

REGULAR SESSION
26th Day

2055

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Mitchem
Bailey	Denton	Goodwin	Preuitt
Bedford	Dial	Horn	Smith (B)
Cabaniss	Dixon	Langford	Smith (J)
Campbell	Ellis	Manley	Windom
Corbett			

—20

Nays: —0

THE BILL:

H. 676. To amend Sections 24-7-1, 24-7-2, 24-7-3, and 24-7-4, Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to define the term "reservation," provide further for the appointment of members of the Authority, delete the reference to the Civil Rights Act of 1968, and provide further for the duties, powers and area of operation of the Authority.

was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Manley
Bedford	deGraffenried	Goodwin	Mitchem
Bedsole	Denton	Hand	Preuitt
Bennett	Dial	Horn	Smith (B)
Cabaniss	Dixon	Langford	Smith (J)
Campbell			

—20

Nays: —0

THE BILL:

H. 854. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and distribution of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended, to provide (in certain cases) for the distribution of less than all such net income if and to the extent specified in the certificate of incorporation of a gas district, and to provide that the inclusion in any such certificate of incorporation of provisions authorizing the distribution of less than all such net income shall operate both prospectively and retrospectively.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley
Bedford	Corbett	Hale	Mitchem
Bedsole	deGraffenried	Hand	Smith (B)
Bennett	Dial	Holmes	Smith (J)
Bishop	Dixon	Horn	Windom
Cabaniss	Ellis	Langford	

—22

Nays: —0

THE BILL:

H. 58. To amend Sections 41-16-20 and 41-16-24, Code of Alabama 1975, relating to competitive bidding on public contracts, so as to provide further for the minimum amount of certain purchases and contracts that must be subjected to competitive bid procedures.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 58, to-wit:

**SUBSTITUTE FOR H. B. 58
A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 41-16-20, 41-16-24, 41-16-50, and 41-16-54 Code of Alabama 1975, relating to competitive bidding on public contracts, so as to provide further for the minimum amount of certain purchases and contracts that must be subjected to competitive bid procedures.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 41-16-20, Code of Alabama 1975, is hereby amended to read as follows:

“Section 41-16-20.

“All contracts of whatever nature for labor, services or work or for the purchase or lease of materials, equipment, supplies or other personal property, involving ~~\$2,000.00~~ \$5,000.00 or more made or on behalf of any state department, board, bureau, commission, committee, institution, corporation, authority or office shall, except as otherwise provided in this article, be let by free and open competitive bidding, or sealed bids, to the lowest responsible bidder.”

Section 2. Section 41-16-24, Code of Alabama 1975, is hereby amended to read as follows:

“Section 41-16-24.

“(a) The purchasing agent shall advertise for sealed bids on all purchases in excess of ~~\$2,000.00~~ \$5,000.00 by posting notice thereof on a bulletin board maintained outside his office door or by publication of notice thereof one time in a newspaper published in Montgomery county, Alabama, or in any other manner and for such lengths of time as he may determine; provided, however, that the purchasing agent shall also solicit sealed bids by sending notice by mail to all Alabama persons, firms or corporations who have filed a request in writing that they be listed for solicitation on bids for such particular items as are set forth in such request and such other persons, firms or corporations the purchasing agent deems necessary to insure competition. If any person, firm or corporation whose name is listed fails to respond to any solicitation for bids after the receipt of three such solicitations, such listing may be cancelled by the purchasing agent, at his discretion.

“(b) All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be retained and

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made a part of a permanent file or records and shall be open to public inspection.

“(c) If the purchase or contract will involve an amount of ~~\$2,000.00~~ \$5,000.00 or less, the purchasing agent may make such purchases or contracts either upon the basis of sealed bids or in the open market, in his discretion.

“(d) No purchase or contract involving an amount in excess of ~~\$2,000.00~~ \$5,000.00 shall be divided into parts involving amounts of ~~\$2,000.00~~ \$5,000.00 or less for the purpose of avoiding the requirements of this article. All such partial contracts involving ~~\$2,000.00~~ \$5,000.00 or less shall be void.”

Section 3. Section 41-16-50, Code of Alabama, 1975, is hereby amended to read as follows:

“Section 41-16-50.

“(a) All expenditure of funds of whatever nature for labor, services or work, or for the purchase of materials, equipment, supplies or other personal property involving ~~\$3,000.00~~ \$5,000.00 or more, and also the lease of materials, equipment, supplies or other personal property where the lessee is or becomes legally and contractually bound under the terms of the lease, to pay a total amount of ~~\$3,000.00~~ \$5,000.00 or more, made by or on behalf of any state trade school, state junior college, state college or university under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent school districts, the county commissions and the governing bodies of the municipalities of the state and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions, except as hereinafter provided, shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder; provided, that in the event a bid is received for an item of personal property to be purchased or contracted for from a person, firm or corporation deemed to be a responsible bidder, having a place of business within the county, where the awarding authority is the county or instrumentality thereof, or within the municipality, where the municipality or an instrumentality thereof is the awarding authority, which such bid is no more than three percent greater than the bid of the lowest responsible bidder, the awarding authority may award the contract to such resident responsible bidder. In the event only one bidder responds to the invitation to bid, the awarding authority may reject the bid and negotiate the purchase or contract, providing the negotiated price is lower than the bid price.

(b) The governing bodies of two or more contracting agencies, as hereinabove enumerated within the same county or adjoining counties, may provide by joint agreement for the purchase of labor, services or work, or for the purchase or lease of materials, equipment, supplies or other personal property for use by their respective agencies. Such agreement shall be entered into by similar ordinances, in the case of municipalities, or resolutions, in the case of other contracting agencies, adopted by each of the participating governing bodies, which shall set forth the categories of labor, services or work, or for the purchase or lease of materials, equipment, supplies or other personal property to be purchased, the manner of advertising for bids and of awarding of contracts, the method of payment by each participating contracting agency and other matters deemed necessary to carry out the purposes of the agreement. Each contracting agency's share of expenditures for purchases under any such agreement shall be appropriated and paid in

the manner set forth in the agreement and in the same manner as for other expenses of the contracting agency. The contracting agencies entering into a joint agreement, as herein permitted, may designate a joint purchasing agent, and such agent shall have the responsibility to comply with the provisions of this article. It is provided further that purchases, contracts or agreements made pursuant to a joint purchasing agreement shall be subject to all of the terms and conditions of this article.

(c) It is further provided that all bidders must furnish a bid bond on any contract exceeding \$10,000.00; provided, that bonding is available for such services, equipment or materials."

Section 4. Section 41-16-54, Code of Alabama 1975, is hereby amended to read as follows:

"Section 41-16-54.

"(a) All proposed purchases in excess of ~~\$3,000.00~~ \$5,000.00 shall be advertised by posting notice thereof on a bulletin board maintained outside the purchasing office and in any other manner and for such lengths of time as may be determined; provided, however, that sealed bids shall also be solicited by sending notice by mail to all persons, firms or corporations who have filed a request in writing that they be listed for solicitation on bids for such particular items as are set forth in such request. If any person, firm or corporation whose name is listed fails to respond to any solicitation for bids after the receipt of three such solicitations, such listing may be cancelled.

(b) All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be retained and made a part of a permanent file or records and shall be open to public inspection.

(c) If the purchase or contract will involve an amount of ~~\$3,000.00~~ \$5,000.00 or less, the purchases or contracts may be made upon the basis of sealed bids or in the open market.

(d) No purchase or contract involving an amount in excess of ~~\$3,000.00~~ \$5,000.00 shall be divided into parts involving amounts of ~~\$3,000.00~~ \$5,000.00 or less for the purpose of avoiding the requirements of this article. All such partial contracts involving ~~\$3,000.00~~ \$5,000.00 or less shall be void."

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem
Bedford	deGraffenried	Hale	Preuitt
Bedsole	Denton	Hand	Smith (B)
Bennett	Dial	Horn	Smith (J)
Bishop	Dixon	Manley	Windom
Cabaniss	Ellis		

—21

Nays:

—0

And said Bill, H. B. 58, as thus amended by the substitute, was read a third time at length and passed.

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Yeas 20; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Langford
Bailey	Corbett	Goodwin	Manley
Bedford	deGraffenried	Hale	Mitchem
Bedsole	Denton	Hand	Smith (B)
Bennett	Dial	Horn	Windom
Bishop			

—20

Nays: —0

Senator Horn requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 563. To further amend Act 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945, (general acts of the Legislature of Alabama, pp. 376-400), as heretofore amended, related to creating and establishing in counties having a population of 400,000 or more according to the last or any future federal census, a county-wide civil service system, to provide for the creation in Class I municipalities of the executive exempt service and related matters as described below and hereby adopted as if set out in full herein.

And said Bill, H. B. 563, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Preuitt
Barron	Denton	Hale	Rice
Bedford	Dial	Hilliard	Sanders
Bennett	Drinkard	Horn	Smith (B)
Cabaniss	Ellis	Manley	Smith (J)
Corbett	Figures	Mitchem	Windom
Covington	Foshee		

—25

Nays: —0

Senator Horn moved that the Senate reconsider the vote by which the Bill, H. B. 563, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

THE BILL:

H. 950. To amend Act 88-824, so as to extend amnesty for payment of ad valorem taxes on tangible personal property by revising the date for filing, assessment, and payment of taxes to June 30, 1989.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 950, to-wit:

AMENDMENT TO H. B. 950

Amend H. B. 950, Page 2, Line 15, following the word "due" by inserting the following language:

"plus interest, if any, from December 31, 1988, until date of payment".

further amend H. B. 950, Page 2, Line 15, following the word "assessment" by inserting the following language:

, "but"

further amend H. B. 950, Page 2, Line 16, by inserting following the word "penalty" a comma

1

On motion of Senator Bedsole, said amendment was laid on the table.

And said Bill, H. B. 950, was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Manley	
Bailey	deGraffenried	Ellis	Mitchem	
Bedford	Denton	Goodwin	Smith (B)	
Bedsole	Dial	Hale	Windom	
Bennett	Dixon	Langford		—18

Nays:

—0

THE BILL:

S. 682. To provide for the creation of a public corporation to be known as the "Alabama Supercomputer Authority" for the purpose of acquiring, developing and administering a state-wide supercomputer and related telecommunications system for use by governmental agencies, educational institutions and private-sector businesses and industries; to provide a procedure for incorporation; to provide for the management of the public corporation by a board of directors; to confer upon the public corporation certain powers and authorities; to provide for the appointment of a chief executive officer and staff; that the Authority will retain no intellectual property rights in products, processes, etc., developed through utilization of the system; to provide for the privacy, security and confidentiality of data maintained in the system; to transfer certain assets to the Authority; to provide for the collection and use of funds by the Authority; to provide for the tax-exempt treatment of the Authority and require it to operate as a nonprofit corporation; and to provide for the dissolution of the Authority.

was taken up.

Senator Smith (B) requested and received permission to suspend the Rules in order to bring up the Bill:

H. 790. To provide for the creation of a public corporation to be known as the "Alabama Supercomputer Authority" for the purpose of acquiring, developing and administering a state-wide supercomputer and related telecommunications system for use by governmental agencies, educational institutions and private-sector businesses and industries; to provide a procedure for incorporation; to provide for the management of the public corporation by a board of directors; to confer upon the public corporation certain powers and authorities; to provide for the appointment of a chief executive officer and staff; that the Authority will retain no intellectual property rights in products, processes, etc., developed through utilization of the system; to provide for the privacy, security and confidentiality of data maintained in

the system; to transfer certain assets to the Authority; to provide for the collection and use of funds by the Authority; to provide for the tax-exempt treatment of the Authority and require it to operate as a nonprofit corporation; and to provide for the dissolution of the Authority:

in place of the Bill, S. B. 682.

And said Bill, H. B. 790, was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Langford	
Bailey	Cabaniss	Drinkard	Mitchem	
Barron	deGraffenried	Ellis	Smith (B)	
Bedford	Denton	Goodwin	Windom	
Bennett	Dial	Hale		—18

Nays: —0

On motion of Senator Smith (B), further consideration of the Bill, S. B. 682, was indefinitely postponed.

Senator Windom requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 543. In the event that the Board of Water and Sewer Commissioners of any city ("Commissioners") takes over a Water and Fire Protection Authority's ("Authority") water system, to prohibit the Commissioners from charging customers located within the Authority's territory at rates or for connection fees in excess of the rates or fees charged to customers within the city limits; to increase the membership of the Commissioners' governing board to include the members of the Authority's governing board; to require the Commissioners to establish a \$2,000,000 trust fund for the support and maintenance of the Authority's fire protection system and to provide for the management of said trust; to require the Commissioners to establish an \$8,000,000 escrow account for the purpose of constructing water service improvements within a certain time in the Authority's territory; and to require the Commissioners to construct a sanitary sewer system within a certain time throughout the Authority's territory; and to except the application of this act if the governing board of the authority consents to said acquisition, operation or control of the water system by the commissioners.

And said Bill, H. B. 543, was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Dial	Langford	
Barron	Campbell	Dixon	Manley	
Bedford	Corbett	Ellis	Mitchem	
Bennett	deGraffenried	Goodwin	Windom	
Bishop	Denton	Hale		—18

Nays: —0

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, the first of which was the Bill:

S. 303. Restructuring the office and compensation of, and certain powers, functions and responsibilities of the commissioner of insurance and the department of insurance, so as to make such commissioner an elected officer of the state and providing that the annual salary of such official shall be made similar to certain total compensation of certain public service commissioners; extensively revising the rate-making procedures and processes; making available to the public certain statistics, documents and data, involving certain insurance rates, requiring certain minimal data in the annual reports of insurers; providing further for the conduct of the hearing procedures and processes, notices and appeals incident thereto relating to rates; increasing certain misdemeanor penalties to felony offenses; any laws or part of laws in direct conflict herewith are repealed only to the extent there is a direct conflict with the provisions of this act; and the following sections of the Code of Alabama 1975, as amended, are further amended: Sections 27-2-2 and 27-2-4, Code of Alabama 1975, as amended, relating to the filling of the office and salary of the commissioner of insurance, so as to provide further therefor; and amending Section 27-3-26, relating to annual statements, so as to provide further therefor; amending Section 27-13-66, Code of Alabama 1975, as amended, relating to rates and rate-making organizations and statistical reporting, so as to prohibit the keeping of certain reasonable information from public scrutiny; amending Section 27-13-68, Code of Alabama 1975, as amended, relating to orders, rules and regulations affecting rates and appeals therefrom, so as to provide further therefor; repealing Section 27-13-71, relating to alteration, supplementation, and amendment of rating plans; repealing Section 27-13-72, relating to applications for uniform percentage increases or decreases in rates by insurers; repealing Section 27-13-80, relating to notices, hearing, and orders of the commissioner; and by amending Sections 27-13-81 and 27-13-83, relating to rates, rating organizations, and notices, hearings, procedures for review of orders and penalties for violations of orders, so as to further provide for the procedures, notice requirements, the bonding requirements; and increasing the penalties for violations to a felony crime.

and pending substitute, which said substitute is set out in the Journal of the Senate for the Twenty-Fifth Legislative Day. The question was on the Dixon motion that further consideration of the Bill, S. B. 303, and pending substitute, be indefinitely postponed, which said motion is set out in the Journal of the Senate for the Twenty-Fifth Legislative Day.

Senator Bishop requested a division of the question on the Dixon motion.

Senator Dixon moved that said substitute be indefinitely postponed, which motion was adopted.

Yeas 17; Nays 12.

Yeas:

Senators:	Bennett	Hale	Mitchem
Amari	Cabaniss	Hand	Preuitt
Barron	deGraffenried	Holmes	Rice
Bedford	Dial	Manley	Smith (B)
Bedsole	Dixon		

Nays:

Senators:	Corbett	Foshee	Langford
Bailey	Covington	Goodwin	Parsons
Bishop	Figures	Horn	Windom
Campbell			

—12

Senator Dixon then moved that further consideration of the Bill, S. B. 303, be indefinitely postponed.

On motion of Senator Bishop, said motion to indefinitely postpone was laid on the table.

Senator Bishop then offered the following substitute for the Bill, S. B. 303, to-wit:

SUBSTITUTE FOR S. B. 303

A BILL TO BE ENTITLED AN ACT

To amend Section 27-13-66, Code of Alabama 1975, as amended, relating to rates and rate-making organizations and statistical reporting, so as to provide that certain reasonable information shall be made available for public scrutiny.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 27-13-66, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

“§27-13-66.

“Every insurer shall file annually on, or before, July 1, with the rating organization of which it is a member or subscriber, or with such other common agency representing a group of insurers as the department may approve, and with the department a statistical report showing its premiums and its losses on all kinds of insurance to which this article is applicable, together with such other information as the department may deem necessary for the proper determination of the reasonableness and adequacy of rates. Such statistical report filed with the rating organization may be consolidated and filed by such common agency. Such data shall be kept and reports made in such manner and on such forms as may be prescribed by the commissioner. All such annual filings with the department shall be kept under lock and key, and any official or employee of the department who shall divulge the contents or permit the examination thereof, except for the purpose of properly administering the provisions of this article or upon the order of court, shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$50.00 and shall thereafter be ineligible to be an employee or agent of said department public records and subject to inspection by the public. Reasonable rules and plans may be promulgated by the commissioner, after consultation with all insurers and rating organizations affected thereby, for the interchange of loss experience necessary for the application of rating plans. In order to further uniform administration of rating laws, the commissioner and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult and cooperate with them in with respect to rate-making and the application of rating systems. The commissioner

may make reasonable rules and regulations necessary to effect the purpose of this article."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains; provided, however, any laws or parts of laws to the extent there is a direct conflict herewith are hereby repealed to that extent.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as herein otherwise provided.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 142. To create the Dietetics/Nutrition Practice Act and to provide for a board of examiners, and to prescribe the method of appointment; its duties and authorities; and to provide for licensing qualifications, renewals and revocation, exemptions, reciprocity, and penalties.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 428. Relating to Jefferson County; to amend further Section 3 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), as amended most recently by Act No. 225, S. 271, 1987 Regular Session (Acts 1987, p. 316), pertaining to Personnel Boards of certain counties classified on a population basis, so as to provide further for an expense allowance for board members and the chairman for attendance of meetings of the boards and for attendance upon trials or hearings.

Also:

H. 767. Relating to Jefferson County; authorizing the Director of Revenue, Commissioner of Licenses or License Inspector to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

Also:

H. 858. Relating to Morgan County, providing further for expense allowances for the chairman and associate commissioners of the county commission.

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Also:

H. 931. Relating to Calhoun County, Alabama, to allow, in addition to the uses now otherwise allowed, the use of funds collected or obtained pursuant to the provisions of Title 11, Subtitle 3, Chapter 98, Code of Alabama 1975, by communications districts in said county, for the purchasing of road and street signs necessary for roads and streets which are renamed in order to establish E 911 service; due to the local needs of Calhoun County not having been otherwise provided for by other legislation.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 486. COMMENDING JEFFREY WATSON OF PELL CITY HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 487. COMMENDING DARYL L. SMITH OF MOULTON, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 488. COMMENDING AGAPE OF CENTRAL ALABAMA FOR OUTSTANDING HUMANITARIAN SERVICE TO OUR STATE ON THE OCCASION OF ITS TENTH ANNIVERSARY.

Also:

H. J. R. 491. COMMENDING TODD ANTHONY FENTRESS OF J. C. CALHOUN COMMUNITY COLLEGE.

Also:

H. J. R. 480. RECOGNIZING THE NOTABLE RECORD OF ACHIEVEMENT OF THE ALABAMA JOB TRAINING COORDINATING COUNCIL AND THE EMPLOYMENT AND TRAINING DIVISION OF THE ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS.

Also:

H. J. R. 481. COMMENDING LARRY ROSE FOR OUTSTANDING PERFORMANCE FOR THE UNIVERSITY OF ALABAMA'S FOOTBALL TEAM 1985-1988.

Also:

H. J. R. 489. COMMENDING BURT FOWLER TAYLOR OF MOBILE, ALABAMA, FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 490. COMMENDING WALLACE, EVELYN AND SANDRA JOHNSTON OF THE BLUE GILL RESTAURANT.

Also:

H. J. R. 492. DESIGNATING A DAY AS UNITED DAUGHTERS OF THE CONFEDERACY DAY AT MOUNTAIN CREEK CONFEDERATE MEMORIAL PARK IN CHILTON COUNTY, ALABAMA.

Also:

H. J. R. 408. NAMING A PORTION OF ALABAMA HIGHWAY 63, IN TALLAPOOSA AND ELMORE COUNTIES, "THE CHILDREN'S HIGHWAY."

Also:

H. J. R. 442. URGING THE UNITED STATES ARMY CORPS OF ENGINEERS TO INITIATE APPROPRIATE MEASURES TO IMPEDE RIVER EROSION AT FORT TOULOUSE/JACKSON PARK AND AT MOUNDVILLE STATE PARK.

Also:

H. J. R. 476. CONGRATULATING JAMES LOFTIN, DOTHAN, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 477. CONGRATULATING ROBERT A. HEDSTROM, DOTHAN, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 479. COMMENDING THE MACMILLAN BLOEDEL PULP AND PAPER EMPLOYEES ON THEIR OUTSTANDING SAFETY RECORD.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 822. To establish the salaries for the following officers of Jefferson County, Alabama: the president of the county commission and the four associate county commissioners; and to provide that the salaries as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

Also:

H. 824. To establish an expense allowance for the following officers of Jefferson County, Alabama: the County Commissioners; and to provide that such expense allowance as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

Also:

H. 834. Relating to Jefferson County; amending Section 6 of Act No. 547, H. 1176, 1965 Regular Session, relating to the powers of the civic center authority established pursuant to said act, so as to specify in a more general and comprehensive manner the types of facilities that said authority may own, operate and manage.

Also:

H. 875. To provide that any Class 1 municipality that owns a civic center, or any public corporation that owns a civic center located within a Class 1 municipality, shall have the power to own and operate a hotel of sufficient size and quality to accommodate persons attending conventions held at such civic center, as well as any related restaurants, meeting rooms and other facilities and services commonly provided by hotels; and to provide that any such municipality or public corporation shall be able to provide for the operation of any such hotel by entering into one or more management contracts with private companies and that any such management contract shall be exempt from the requirements of competitive bid laws.

Also:

H. 922. Relating to Jefferson County; to further amend Section 19 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a countywide civil service system; to provide for leaves of absence and vacation for permanent employees holding full-time positions under jurisdiction of this act at the option of the appointing authority, and to provide for related matters.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of

a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 868. Relating to Walker County, providing further for the compensation of the county treasurer.

Also:

H. 869. Relating to Walker County; to amend Section 3 of Act No. 1067, S. 938 of the 1973 Regular Session (Acts 1973, p. 1802), as amended, relating to the county commission, so as to provide further for the meetings of said commission.

Also:

H. 910. Relating to the 24th judicial circuit; amending Section 1 of Act No. 86-691, H. 123, of the First Special Session of 1986 (Acts 1st Special Session 1986, p. 96), which provides a monthly expense allowance for the district attorney, so as to remove the restriction on such allowance to certain travel expenses.

Also:

H. 986. Relating to Cherokee County, to alter, rearrange and extend the boundary lines and corporate limits of the Town of Leesburg, in Cherokee County, Alabama.

Also:

H. 577. Relating to Madison County; to authorize the county commission to designate an official county historian and appropriate an honorarium for same.

Also:

H. 655. Relating to Madison County; to exempt the Optimist Club of Hazel Green, Inc., from all county or local ad valorem taxation.

Also:

H. 892. Relating to Walker County; to provide monies to the Juvenile Court Advisory Committee Fund in order to finance any group homes, detention facility, shelter care facility or Court, Juvenile Court or Municipal Courts of Walker County, Alabama.

Also:

H. 895. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Michael P. Sweatt for a pension based upon extraordinary disability and to award such pension if, in the judgement of the Board of Managers, such pension is required, and to provide for the conditions and limitations applying to such pension, and to set an effective date.

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Also:

H. 909. Relating to the 24th judicial circuit; amending Section 1 of Act No. 86-553, S. 641, of the Regular Session of 1986 (Acts 1986, p. 1127), which provides a monthly expense allowance for the presiding judge, so as to remove the restriction on such allowance to certain travel expenses.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 303

The Senate proceeded to further consideration of the Bill, S. B. 303. The question was on the substitute offered by Senator Bishop.

Senator Dixon moved that said substitute be laid on the table, which motion was lost.

Yeas 15; Nays 17.

Yeas:

Senators:	Dial	Hand	Preuit	
Bedford	Dixon	Holmes	Rice	
Cabaniss	Ellis	Manley	Smith (B)	
Denton	Hale	Mitchem	Smith (J)	—15

Nays:

Senators:	Bishop	Figures	Langford	
Amari	Campbell	Foshee	Parsons	
Bailey	Corbett	Goodwin	Sanders	
Bedsole	Covington	Horn	Windom	
Bennett	deGraffenried			—17

Senator Bishop moved that said substitute be adopted.

Senator Dixon offered a substitute motion that the Bill, S. B. 303, and pending substitute be postponed until the Twenty-Ninth Legislative Day, which motion was lost.

Yeas 14; Nays 17.

Yeas:

Senators:	Dixon	Holmes	Rice	
Cabaniss	Ellis	Manley	Smith (B)	
Denton	Hale	Mitchem	Smith (J)	
Dial	Hand	Preuit		—14

Nays:

Senators:	Bishop	Figures	Langford
Amari	Campbell	Foshee	Parsons
Bailey	Corbett	Goodwin	Sanders
Bedsole	Covington	Horn	Windom
Bennett	deGraffenried		

—17

And said substitute was then adopted.

Yeas 17; Nays 13.

Yeas:

Senators:	Bennett	Figures	Langford
Amari	Bishop	Foshee	Parsons
Bailey	Campbell	Goodwin	Sanders
Bedford	Corbett	Horn	Windom
Bedsole	Covington		

—17

Nays:

Senators:	Dial	Holmes	Preuitt
Cabaniss	Dixon	Manley	Rice
deGraffenried	Hale	Mitchem	Smith (J)
Denton	Hand		

—13

And said Bill, S. B. 303, as amended by the substitute, was read a third time at length and lost.

Yeas 15; Nays 17.

Yeas:

Senators:	Bishop	Foshee	Parsons
Amari	Corbett	Goodwin	Rice
Bailey	Covington	Horn	Sanders
Bennett	Figures	Langford	Windom

—15

Nays:

Senators:	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Holmes	Smith (B)
Bedsole	Dixon	Manley	Smith (J)
Cabaniss	Ellis		

—17

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 701. Relating to Baldwin County; amending Act No. 80-497, H. 1059, 1980 Regular Session (Acts 1980, p. 769), authorizing the county commission to establish and designate historic districts in the county so as to provide further for definitions; applications and requirements for historic district and preservation district designations; enlarging designated historic district or

preservation district; rescinding historic district or preservation district designation; and applications and requirements for rescission.

BILL DRINKARD,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

S. J. R. 192. COMMENDING THE BIRMINGHAM STARS U-15 SOCCER TEAM FOR THEIR OUTSTANDING ACCOMPLISHMENTS.

Also:

S. J. R. 193. COMMENDING COACH RUDY ABBOTT OF JACKSONVILLE STATE UNIVERSITY.

Also:

S. J. R. 194. RECOGNIZING WITH COMMENDATION THE FIRST 85 YEARS OF SERVICE OF THE MONROE COUNTY BANK.

Also:

S. J. R. 201. CONGRATULATING CALVIN P. KEITH, MONTGOMERY, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

S. J. R. 203. CONGRATULATING THE HONORABLE WILLIAM A. BOWEN, MONTGOMERY, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

S. J. R. 204. COMMENDING THE UNIVERSITY OF ALABAMA IN HUNTSVILLE AS THE SPONSOR OF AMERICA'S FIRST LICENSED COMMERCIAL SPACE FLIGHT.

Also:

S. J. R. 205. DESIGNATING SEPTEMBER 24, 1989, AS "UNITED STATES MARSHALS BICENTENNIAL DAY."

Also:

S. J. R. 207. NAMING THE VOCATIONAL EDUCATION BUILDING AT MONTEVALLO HIGH SCHOOL, MONTEVALLO, ALABAMA, IN HONOR OF MELTON D. "MOON" THORNTON.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of

a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTION

Senators Bedsole, Mitchem, Bedford, Dial, Rice, Manley, Hale, Smith (B), Goodwin, Holmes, Campbell, Parsons, Cabaniss, Foshee, Bennett, Dixon, Hand, Amari, Drinkard, Preuitt, Denton, Windom, Smith (J), Bishop, Barron, Covington, Langford, and deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 220. DESIGNATING "MY HOME'S IN ALABAMA" AS THE OFFICIAL ALABAMA REUNION THEME SONG.

WHEREAS, "Alabama," in addition to countless other awards and honors of past years, has been recognized by the Academy of Country Music as "Artist of the Decade"; and

WHEREAS, "Alabama" has brought great fame and honor to our state, both nationally and internationally, through their great talent, musical genius and many outstanding accomplishments; and

WHEREAS, the members of "Alabama," along with Lionel Ritchie, are serving as honorary co-chairmen of the Alabama Reunion; and

WHEREAS, "My Home's in Alabama" is a song made familiar throughout the world as a number-one hit recording by "Alabama"; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the song "My Home's in Alabama," as the Official Theme Song for the Alabama Reunion, and it is understood that "My Home's in Alabama" being designated as the Official Theme Song of the Alabama Reunion will in no way replace "Alabama" as the Official State Song as specified in Title 1, Section 2-16, Code of Alabama 1975.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 302. To exempt the Farm Crisis and Transition Program Commission, its employees and unpaid volunteers, from civil liability for any act done by them in connection with activity in the Farm Crisis Program; to require that any information divulged by a person seeking aid under the Farm Crisis Program, concerning finances or financial status, be deemed confidential and divulging said information by the Farm Crisis Commission, its employees or volunteers, to the public is a Class C misdemeanor.

The question was on the substitute offered by Senator Corbett, which said substitute is set out in the Journal of the Senate for the Twenty-Fourth Legislative Day.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 698. Relating to the City of Tuscumbia in Colbert County; waiving certain city taxes on certain annexed farm land.

BILL DRINKARD,
Chairperson.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. B. 259	S. B. 225	S. B. 640
S. B. 547	S. B. 562	S. B. 649
S. B. 61	S. B. 563	S. B. 659
S. B. 152	S. B. 565	S. B. 660

Delivered to the Governor, May 2, 1989, at 1:39 P.M.

S. B. 633	S. B. 634	S. B. 635
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Delivered to the Secretary of State, May 2, 1989, at 1:30 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 4:40 P.M., on motion of Senator Corbett, in accordance with Joint Resolution and Motion heretofore adopted and pending further consideration of the Bill, S. B. 302, the Senate adjourned until Wednesday, May 3, 1989, at 1 o'clock P.M.

Yeas 15; Nays 13.

Yeas:

Senators:	Corbett	Foshee	Parsons	
Amari	Covington	Hand	Sanders	
Bedford	Dixon	Holmes	Smith (B)	
Bennett	Figures	Langford	Windom	—15

Nays:

Senators:	Cabaniss	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Preuitt	
Barron	Denton	Manley	Rice	
Bedsole	Drinkard			—13

TWENTY-SEVENTH LEGISLATIVE DAY

WEDNESDAY, MAY 3, 1989

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Steve Windom, 35th Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Donna Wilson, Patterson Elementary School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Mitchem
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Rice
Bedsole	Dial	Hilliard	Sanders
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Cabaniss	Ellis	Langford	Windom

—35

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Sixth Legislative Day was approved by the Senate.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, May 4, 1989, at 12:01 A.M.

REGULAR SESSION
27th Day

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Senator Corbett offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Thursday, May 4, 1989, at 9 o'clock A.M., which motion was lost.

Yeas 6; Nays 17.

Yeas:

Senators:	Campbell	Hilliard	Mitchem	
Bedford	Corbett	Langford		—6

Nays:

Senators:	Covington	Goodwin	Manley	
Bailey	deGraffenried	Hale	Smith (B)	
Barron	Denton	Hand	Smith (J)	
Bedsole	Drinkard	Holmes	Windom	
Cabaniss	Foshee			—17

The question then recurred on the motion of Senator deGraffenried that when the Senate adjourns today, it adjourn to meet again on Thursday, May 4, 1989, at 12:01 A.M., which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. McClain (With Notice and Proof):

H. 1030. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Brighton in Jefferson County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1030, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1030—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (RG):

H. 331. To propose a constitutional amendment to Amendment 81 of the Constitution of Alabama of 1901, relating to the holding of courts of

record and the establishment and abolition of branch courthouses and divisions of circuit courts, so as to provide that habeas corpus and coram nobis proceedings in circuit court may be held at any correctional institution operated under the direction and control of the State Department of Corrections wherein the person seeking the writ is confined; to provide for security during such proceedings; to delete those provisions of Amendment 81 that are in conflict with Amendment 328 to the Constitution of Alabama of 1901, as amended, and to provide for an election on the proposed amendment and notice thereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 331—to the Committee on Judiciary

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hooper:

H. 308. To provide that appeals from death sentence cases and from post conviction writs involving such cases shall be directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 308—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 366. To authorize the Jefferson County Board of Health to adopt, and the Jefferson County Health Department to enforce, reasonable rules

and regulations concerning the operation of boarding and rooming homes in Jefferson County not licensed or regulated by the Alabama State Board of Health, which are operated on a weekly or longer basis for the care of persons who are unrelated to the owners or operators thereof; to authorize said County Board of Health to include in such regulations such provisions as it may deem necessary to safeguard the health and safety, and to prevent financial and physical abuse of persons served; to establish permit and inspection fees with respect to the enforcement of such regulations; to make the power and authority granted cumulative; to make the provisions of the act severable; to supersede all laws in conflict therewith to the extent of such conflict; and to establish an effective date of the Act.

Also:

S. 614. Relating to Cullman County; to amend further Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), which act levies a sales and use tax in Cullman County and provides for the distribution and use of the tax proceeds, so as to remove a special, separate account established to receive such tax proceeds; to remove the bonding requirements of the custodian of public school funds of Cullman County; and to require the custodian of public school funds to deposit such tax revenues or proceeds into the general fund of the Cullman County school system.

Also:

S. 615. Relating to Cullman County; providing for the county commission on education to reimburse the office of the county superintendent of education for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county allocated for schools.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gray, Perdue, Spratt, Newton (D), Beers, Rogers, Petelos, Curry, Seibels, Slaughter, Wright, McClain, McDowell, and White (G) (With Notice and Proof):

H. 1071. To authorize the pension board established by Act Number 393 of the 1975 Regular Session of the Legislature of Alabama for officers and employees of library board in cities having a population of 300,000 or more according to the 1970 or any subsequent census, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other person's dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said pension board shall be authorized to increase such benefits.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1071, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Biddle and Payne (With Notice and Proof):

H. 1072. Relating to Jefferson County, to limit the amount of occupational license fees which can be levied or collected by the county government.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1072, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1071 and 1072—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Warren (With Notice and Proof):

H. 1086. Relating to Conecuh County; to repeal Sections 8 and 9 of Act No. 86-322 of the 1986 Regular Session which relates to the composition, power and duties of the county governing body, so as to repeal the provisions pertaining to the county administrator and the county engineer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1086, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

H. 1087. Relating to Cleburne County; fixing the fee for the issuance of pistol permits in the county and providing for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1087, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1086 and 1087—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 662. Relating to Lawrence County, to increase certain court costs and provide for the distribution of the additional court costs.

Also:

S. 663. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780 of the 1986 Regular Session (Acts 1986, p. 595) relating to the salary and expense allowances of the county superintendent of education so as to provide further for such salary and allowances.

Also:

S. 691. Relating to Fayette County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Fayette County; and providing for a referendum.

Also:

S. 692. Relating to Macon County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hill and Knight (With Notice and Proof):

H. 683. Relating to Shelby County; providing further for zoning regulations in unincorporated and incorporated areas within the county; transferring certain lands and property from an incorporated area to an unincorporated area within the county; providing that any zoning regulations or restrictions currently affecting certain property located within incorporated areas shall continue to affect said property after the transfer of same.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 683, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Newman (With Notice and Proof):

H. 1078. Relating to Lamar County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Lamar County; and providing for a referendum election.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1078, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Mathis (With Notice and Proof):

H. 1079. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Geneva in Geneva County; and to repeal sections 2 and 3 of Act No. 499, H. 566, 1961 Regular Session (Acts 1961, p. 597), relating to ad valorem taxation exemptions for certain territory within the corporate limits of the municipality of Geneva.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1079, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blake (With Notice and Proof):

H. 1081. Relating to St. Clair County; amending Section 16 of Act No. 1728, H. 2522, 1971 Regular Session, which provides for travel expenses incurred by the members of the county commission in road inspections, so as to provide further for such expenses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1081, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 683, 1078, 1079, and 1081—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hooper:

H. 244. To provide for the reopening of the employees' retirement system for certain active members who had employment with the Alabama legislature prior to 1979.

Also:

By Rep. Butler:

H. 742. To amend section 12-15-1, Code of Alabama 1975, which relates to juvenile proceedings, so as to further define "delinquent act."

Also:

By Rep. Butler:

H. 879. To amend Section 11-42-100.1, Code of Alabama 1975, which provides for the procedure of consolidating contiguous municipalities, so as to alter the number of voters signing the petition calling for a referendum on the question of consolidation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 244—to the Committee on Business and Labor Relations

H. B. 742—to the Committee on Judiciary

H. B. 879—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 631. To propose an amendment to the Constitution of Alabama 1901 for Lowndes County to provide further for filling vacancies in certain county offices.

Also:

S. 632. To propose an amendment to the Constitution of Alabama 1901 for Wilcox County to provide further for filling vacancies in certain county offices.

Also:

S. 656. Relating to Lawrence County; providing for the establishment of a system for assessment and collection of taxes and issuance of licenses

under the supervision of elected county officials designated as county revenue commissioner and county license commissioner upon referendum approved by the electors of the county.

Also:

S. 661. Relating to Lawrence County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Lawrence County 2015 Commission"; to provide for the composition, officers and duties of the commission.

Also:

S. 687. To amend Act No. 82-693 passed by the Alabama Legislature and approved by the Governor (as amended by Act No. 84-454) which provides for the creation and establishment of the Shelby County Planning Commission, so as to further provide for membership, organization, authority and function of the Shelby County Planning Commission.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Buskey (JE), Spratt, Clark (W), Grayson, Clay, McClain, Newton (D), Rogers, McDowell, Buskey (JL), Black, Davis, Holmes, Bryant, and Melton:

H. 1068. To provide a voluntary checkoff designation of state income tax returns for the United Negro College Fund, Inc.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1068—to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers and Johnson (RG):

H. 637. To provide further for the protection of man and animals from rabies; to provide for immunization of domestic animals; to establish a fee schedule; to provide for penalties and impoundment of animals and their

disposition; to provide further for rabies officers; and to repeal sections 3-7-1 through 3-7-13, Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 637—to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Buskey (JE), Spratt, Clark (W), Grayson, Clay, McClain, Newton (D), Rogers, McDowell, Buskey (JL), Black, Davis, Holmes, Bryant, and Melton:

H. 1069. To amend section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of state employees for certain charitable organizations, so as to include the United Negro College Fund, Inc., within the list of qualified charities.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1069—to the Committee on Rules

POINT OF PERSONAL PRIVILEGE

Senator Hand requested that the following Statement be spread upon the Journal.

On the motion to adjourn for the 26th Legislative Day my vote was miscounted. The vote tally indicated that Perry Hand voted in favor of adjournment. In fact and by the witness of Senator Manley and Senator Cabaniss, I voted against said adjournment motion. The adjournment of the Senate on the 26th Legislative Day ended any reasonable chance of passage of several bills that I have sponsored, therefore, I wish to make this declaration to correct the inaccurate counting of my vote.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 58. To amend Sections 41-16-20, 41-16-24, 41-16-50, and 41-16-54 Code of Alabama 1975, relating to competitive bidding on public contracts,

so as to provide further for the minimum amount of certain purchases and contracts that must be subjected to competitive bid procedures.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1031. Relating to Cherokee County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1037. Relating to Cherokee County; approving and authorizing the Cherokee County Commission to levy a certain increase in the ad valorem tax presently being levied in accordance with Amendment No. 373 to the Constitution of Alabama of 1901; providing that such increased countywide ad valorem tax shall be levied and collected by Cherokee County for each year beginning with the levy for the tax year October 1, 1989 to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2008 to September 30, 2009 (the tax for which year will be due and payable October 1, 2009) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Cherokee County at a special election called and held in accordance with the laws governing special elections.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1035. To authorize the governing body of Wetumpka to establish an Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within Wetumpka, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers,

duties and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedure for operations and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; and to provide for appeals and other judicial processes.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 218. HONORING JOHN NED SHINES OF COALING, ALABAMA.

Also:

S. J. R. 220. DESIGNATING "MY HOME'S IN ALABAMA" AS THE OFFICIAL ALABAMA REUNION THEME SONG.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 518. Relating to the Tenth Judicial Circuit, Jefferson County, Alabama, and the official court reporter; further amending the title and Sections 4 and 5 of Act No. 52, H. 18 of the Second Special Session, 1955 (Acts of 1955, p. 161), and as amended by Act No. 209, H. 698 of the Regular Session, 1955 (Acts of 1955, p. 514), providing for the said court reporters and the county compensation payable from county funds, so as to further provide therefor.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Bennett, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 518, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 518

A BILL TO BE ENTITLED AN ACT

Relating to the Tenth Judicial Circuit, Jefferson, County, Alabama, and the official court reporter; further amending the title and Sections 4 and 5

of Act No. 52, H. 18 of the Second Special Session, 1955 (Acts of 1955, p. 161), and as amended by Act No. 209, H. 698 of the Regular Session, 1955 (Acts of 1955, p. 514), providing for the said court reporters and the county compensation payable from county funds, so as to further provide therefor.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The title and Sections 4 and 5 of Act No. 52, H. 18 of the Second Special Session, 1955 (Acts 1955, p. 161), as amended by Act No. 209, H. 698 of the Regular Session, 1955 (Acts 1955, p. 514), are hereby amended to read as follows:

~~"An Act To provide for appointment of official court reporters of the tenth judicial circuit courts court in those circuits which are now, or which may hereafter be composed of only one county and having not less than four nor more than nine circuit judges in Jefferson County, Alabama; to provide for their qualifications, to fix their compensation, to define their duties and provide for the appointment of county special reporters in such cases; and to repeal all laws which may be in conflict herewith.~~

~~"Section 4. That in all All cases reported by an official reporter or special reporter there shall be taxed as part of the costs of the case a fee of ten dollars, as provided by law, for each day or fraction thereof that such reporter shall be engaged in reporting a case, to be collected as costs, and, when collected, paid by the clerk or register of the court into the county treasury of the county in which the case is tried.~~

~~"Section 5. That such Such official court reporter shall receive a salary of fifty four hundred ten thousand dollars per annum, thirty four hundred of which shall be payable in equal monthly installments by the county out of the from the general fund of the county. and two thousand dollars shall be payable in equal monthly installments on the warrant of the state comptroller from the general fund in the state treasury."~~

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem
Amari	Covington	Hand	Preuitt
Barron	deGraffenried	Hilliard	Rice
Bedford	Denton	Holmes	Sanders
Bennett	Dixon	Horn	Smith (B)
Cabaniss	Ellis	Langford	Windom
Campbell	Figures		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 156. DESIGNATING THE EASTERN TIGER SWALLOW-TAIL AS THE OFFICIAL MASCOT AND STATE BUTTERFLY FOR THE STATE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 777. Relating to Henry County; to levy a tax upon certain tobacco products; to provide for the collection thereof and the disposition of the proceeds; and to provide for the enforcement of the provisions of this act. said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning H. B. 777, without the Governor's signature and with a suggested Executive Amendment.

Done this 2nd day of May, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill Number 777 without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL 777

Amend H. B. 777, Section 2, Page 2, line 10, by deleting the language immediately after the word "upon" which reads "~~adoption of a resolution by the Houston County Commission~~" and inserting in lieu thereof the following language:

the passage of this act

further amend H. B. 777, Section 4, Page 3, line 10 by inserting immediately after the language "Section 4." and preceding the word "The", the following:

It shall be the duty of the county commission of Henry County to enforce the provisions of this act upon its imposing the tax thereunder, and

it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every dealer, storer or distributor engaged in the business for which the tax is hereby levied and to make any and all rules and regulation necessary and proper for the collection of such tax. Upon resolution of the Henry County Commission, the state department of revenue is hereby authorized and directed to collect all taxes now or hereafter levied by said county under the provisions of this act. Said resolution must be submitted, received and approved by the State Department of Revenue at least two months prior to the effective date of the collection and administration of this tax by the State Department of Revenue as set by the Henry County Commission.

further amend H. B. 777, Section 4, Page 3, line 13, by inserting immediately following the word "revenue" and preceding the word "shall" the following new language to read:

, if directed by resolution of the Henry County Commission to collect all county privilege, license, or excise taxes levied under the provisions of this act, for as long as the Department is so directed.

further amend H. B. 777, Page 3, line 19, by inserting immediately after the period the following new language to read:

In accordance with Section 40-25-2(g), in the event the aforementioned tobacco stamps are not available, for affixing to tobacco products packages and containers, or by the authority of a duly promulgated regulation eliminating the requirement of affixing stamps, the commissioner of revenue may require a monthly report in lieu of stamps to report the amount of tax due. Said monthly report shall be in a form approved by the commissioner of revenue, and adopted by the department of revenue under the provisions of the Alabama Administrative Procedures Act, Title 41, Chapter 22, Code of Alabama 1975.

further amend H. B. 777, Section 5, Page 3, line 20 by inserting immediately following the word "revenue" and immediately preceding the word "is", the following new language:

, if directed by resolution of the Henry County Commission to collect all county privilege, license, or excise taxes levied under the provisions of this act, for as long as the department is requested to collect said levies,

further amend H. B. 777, Section 7, Page 3 line 34, by deleting the language immediately after the word "exceed" which reads "five" and inserting in place thereof the following language to read:

ten

further amend H. B. 777, Section 7, Page 3 line 34, by deleting the number further "5" and inserting in place thereof the number 10

further amend H. B. 777, Section 7, Page 3, line 35, by inserting after the word "commission" and before the word "to" the following language:

on a monthly basis. Said proceeds are

further amend H. B. 777, Section 7, Page 4, line 7, by inserting after the word "distributed" and before the word "to" the following language:

by the Alabama Forestry Commission

The adoption of the above suggested Executive Amendment will remove my objections to this bill:

Done on this 27th day of April 1989.

Respectfully,

GUY HUNT,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 777, by a vote of a majority of those voting, said vote being: Yeas 68, Nays 0.

And said Bill, H. B. 777, together with the Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Bailey, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 777, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Langford
Bailey	Corbett	Hale	Parsons
Bedford	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Smith (B)
Bennett	Ellis	Holmes	Smith (J)
Bishop	Figures	Horn	Windom
Cabaniss	Foshee		

—25

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 688. Relating to Perry County; authorizing the county commission to levy a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of certain tobacco products in the county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning H. B. 688, without the Governor's signature and with a suggested Executive Amendment.

Done this 2nd day of May, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill Number 688 without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL 688

Amend H. B. 688, Section 6, Page 4 line 7, by inserting immediately after the word "herein" and preceding the word "shall" the following language to read:

, less the actual costs of collection not to exceed ten percent (10%), shall be paid by the state department of revenue to the Perry County Commission on a monthly basis. Said proceeds

The adoption of the above suggested Executive Amendment will remove my objections to this Bill.

Done on this the 28th day of April 1989.

Respectfully,

GUY HUNT,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 688, by a vote of a majority of those voting, said vote being: Yeas 73, Nays 0.

And said Bill, H. B. 688, together with the Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Sanders, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 688, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem
Amari	deGraffenried	Hilliard	Parsons
Bedford	Denton	Holmes	Preuitt
Bedsole	Drinkard	Horn	Sanders
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures	Manley	Windom
Corbett	Foshee		

—25

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 309. To implement Senate Bill 308 of the 1989 regular session of the Legislature pertaining to the "Penny Trust Fund;" to provide for donations, gifts, bequests, taxes, division of proceeds, processing of donations, forms, and the promotion of the Fund.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Smith (J), the Senate concurred in and adopted the following House amendment to the Bill, S. B. 309, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 309

**A BILL
TO BE ENTITLED
AN ACT**

To implement the proposed "Penny Trust Fund" constitutional amendment as enacted by the 1989 regular session of the legislature or as may be enacted by any subsequent session of the legislature and ratified by the voters of Alabama; to provide for donations, gifts, bequests, taxes, division of proceeds, processing of donations, forms, and the promotion of the Fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. **AUTHORIZATION, PROCEDURES, AND FORMS.** The State Treasurer is authorized to accept gifts, donations, and bequests from

any person, association, company, or corporation wishing to contribute voluntarily to the Penny Trust Fund. Any person, association, company, or corporation may deposit funds in the Penny Trust Fund through the auspices of the State Treasurer or in the appropriately designated depository. The State Treasurer may seek the voluntary participation of banks, financial institutions, or other businesses in receiving and transferring donations to the Penny Trust Fund. The State Treasurer shall promulgate rules and regulations governing the procedures and administration for the voluntary donations, contributions, and transfers to the Penny Trust Fund. Donation and transmittal forms and promotional materials may be developed and distributed as authorized by the State Treasurer.

Section 2. DIVISION OF PROCEEDS. Proceeds from the Penny Trust Fund which are dedicated for the promotion of the public health shall be deposited in the General Fund and divided as follows:

- (a) Fifty percent to the Department of Public Health for its programs to reduce infant mortality and/or improve child health;
- (b) Fifty percent to the Department of Public Health for its indigent health care programs.

Proceeds from the Penny Trust Fund which are dedicated for the promotion of the public schools shall be deposited in the Alabama Special Educational Trust Fund and divided as follows:

- (a) Twenty-five percent for programs to prevent substance abuse, including the employment of school counselors;
- (b) Twenty-five percent for the immunization of children;
- (c) Twenty-five percent for programs to promote health and disease prevention, including the employment of school nurses;
- (d) Twenty-five percent for student nutrition and nutritional education.

Section 3. TAX DEDUCTION. Donations and bequests to the Penny Trust Fund by individuals, associations, corporations, and companies shall be exempt from all county, and municipal taxes and deductible from state taxes in accordance with Section 40-18-15, Code of Alabama, 1975, as amended.

Section 4. INCOME TAX RETURN. Taxpayers who file income tax returns and who are entitled to an income tax refund from the State Department of Revenue sufficient to make a donation to the Penny Trust Fund may designate a sum as a voluntary donation from their refunds and such amounts shall be credited to the Penny Trust Fund. The State Department of Revenue shall print on the face of the appropriate state income tax forms a space for the taxpayers to designate that a donation is to be made to the Penny Trust Fund from the income tax refund due. The space for designating the donation shall provide for a checkoff box with the dollar

amount to be voluntarily entered by the taxpayer, commencing for the tax year 1990 and thereafter.

Section 5. STATE AND LOCAL PUBLIC FUNDS. No state, county, or municipal funds are to be deposited into the Penny Trust Fund.

Section 6. REPEALER. This Act is supplementary and shall not be construed to repeal any provisions of law not in direct conflict herewith. However, to the extent of such conflict, those laws or parts of laws are hereby repealed.

Section 7. SEVERABILITY. In the event any section, sentence, clause, or provision of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining sentences, clauses, or provisions of this Act, which shall continue effective.

Section 8. EFFECTIVE DATE. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 22; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Preuit
Bailey	Denton	Hale	Sanders
Bedford	Dial	Horn	Smith (B)
Bedsole	Drinkard	Langford	Smith (J)
Cabaniss	Ellis	Manley	Windom
Campbell	Foshee	Mitchem	

—22

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 308. Proposing the "Penny Trust Fund" amendment to the Constitution of Alabama to which citizens may make voluntary donations to be held in perpetuity and the earnings therefrom used for the promotion of the public health and the public schools.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Senator Smith (J) moved that the Senate concur in and adopt the following House amendment to the Bill, S. B. 308, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 308

A BILL TO BE ENTITLED AN ACT

Proposing the "Penny Trust Fund" amendment to the Constitution of Alabama to which citizens may make voluntary donations to be held in

perpetuity and the earnings therefrom used for the promotion of the public health and the public schools.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon in accordance with Sections 284, 285, and 287 of the Constitution of 1901, as amended:

PROPOSED AMENDMENT

(a) There shall be established and maintained the "Penny Trust Fund" within the state treasury to promote the public health and the public schools. Citizens may make voluntary donations to the Penny Trust Fund. All donations and funds received shall be held in perpetual trust and shall not be subject to legislative appropriation or otherwise expended.

(b) Earnings, including accrued interest and dividends, shall be retained in the Penny Trust Fund, not subject to appropriation until the State Treasurer certifies that sufficient monies exist in the Fund or until the fiscal year which begins in 2000, whichever comes first; then and afterward, only 90 percent of the prior fiscal year's earnings to be subject to appropriation. Capital gains taken on the sale of any securities shall revert to the principal of the Penny Trust Fund.

(c) Funds in the Penny Trust Fund are to be managed and invested by the State Treasurer who may receive funds from any source not prohibited by law.

(d) Fifty percent of the earnings subject to appropriation shall be dedicated to the programs and projects which promote the public health, and 50 percent dedicated to the public schools.

(e) The Legislature shall have power to implement this amendment by appropriate legislation.

Section 2. An election upon the above proposed amendment shall be held at the next general, special, primary, or constitutional amendment election after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of Alabama.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Section 4. The provisions of this Act shall be effective immediately upon ratification by the people. The Governor shall thereafter proclaim this amendment as required by law.

Senator Manley offered a substitute motion that the Senate non-concur in said House amendment to the Bill, S. B. 308, and request a Committee on Conference.

REGULAR SESSION
27th Day

2095

On motion of Senator Smith (J), the motion to non-concur was laid on the table.

Yeas 15; Nays 10.

Yeas:

Senators:	Corbett	Hale	Mitchem	
Bailey	Denton	Holmes	Sanders	
Bedford	Drinkard	Horn	Smith (J)	
Campbell	Goodwin	Langford	Windom	—15

Nays:

Senators:	deGraffenried	Foshee	Preuitt	
Bedsole	Dial	Hand	Smith (B)	
Cabaniss	Dixon	Manley		—10

The question then recurred on the motion of Senator Smith (J) that the Senate concur in the House amendment, which motion was adopted.

Yeas 20; Nays 3.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Parsons	
Bedford	Denton	Holmes	Rice	
Bennett	Ellis	Horn	Smith (B)	
Cabaniss	Foshee	Langford	Smith (J)	
Campbell				—20

Nays:

Senators:	Dixon	Hand	Preuitt	—3
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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. McKee:

H. 60. To create the Division of Risk Management within the Department of Finance to administer a total insurance program, to reduce costs and minimize losses through appropriate programs and to amend Section 41-16-21, Code of Alabama 1975, relating to competitive bids, so as to include insurance contracts within the provisions of the bid law.

Also:

By Rep. McKee:

H. 61. To amend Sections 41-15-1 through 41-15-6 and 41-15-8, 41-15-9, 41-15-11, Code of Alabama 1975, relating to the State Insurance Fund, so as to provide increased discounts for all insured, establish the office of risk manager, provide further for surveys of insured property and appurtenances, provide for delinquent fees and to repeal Section 41-15-7, Code of Alabama 1975.

Also:

By Rep. Perdue:

H. 77. To exempt the Alabama School of Fine Arts Foundation in Birmingham, Alabama, from the payment of all state, county and municipal sales and use taxes.

Also:

By Reps. Butler, Burke, Drake, Fuller, Clark (J), Adams, Beers, Grouby, Hooper, Gray, Starkey, Goodwin, Seibels, Moon, Newman, Richardson, Freeman, Brooks, Sanderford, Spratt, Johnson (RW), Melton, White (G), Bugg, Kvalheim, Blakeney, Rains, Carter, Harvey, McClain, Payne, Petelos, Wright, Hamilton, Dillard, Marks, Biddle, Curry, Slaughter, Logan, Higginbotham, Campbell, Flowers, Turnham, Cosby, Gaston, Zoghby, Turner, Penry, McKee, Mikell, Hill, McMillan, Breedlove, Clark (W), White (L), Beasley, Williams, Poole, Johnson (RG), Mathis, Carothers, Holmes, Willis, Crow, Hogan, and Bryant:

H. 409. To amend Section 13A-5-40, Code of Alabama 1975, which provides for capital offenses, so as to include murder committed while trafficking in controlled substances as a capital offense.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the forgoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 60 and 61—to the Committee on Natural Resources

H. B. 77—to the Committee on Finance and Taxation

H. B. 409—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Richardson:

H. 100. To provide for the reopening of the Employees' Retirement System of Alabama to those members who prior to the effective date of this act have previous employment with a city, county, or a political subdivision thereof of the State of Alabama for which they are ineligible to gain service credit.

Also:

By Reps. Rains and Moon:

H. 397. To prohibit the operation of vessels with children on board unless each child is wearing a United States Coast Guard approved life preserver, and to provide for penalties.

Also:

By Rep. Harvey:

H. 969. To authorize any quasi-public or private hospital which was previously a public hospital to give cost-of-living increases to any retiree of the employees' retirement system who was employed by any such hospital when it was a public hospital and who was a member of the employees' retirement system during such employment; and to provide that such cost-of-living increases may be granted from certain foundation or trust funds established from hospital earnings during the time the hospital was a public facility.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 100—to the Committee on Rules

H. B. 397—to the Committee on Judiciary

H. B. 969—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable:

H. 252. To amend Section 11-45-2, Code of Alabama 1975, so as to provide that in all towns and in cities of less than 12,000 population, no ordinance or resolution, intended to be of permanent operation shall become a law unless on its final passage a majority of the members elected to the Council, including the Mayor, shall vote in its favor.

Also:

By Reps. Gray, Dillard, Petelos, Butler, Carter, Cosby, Turnham, Hamilton, Layson, Starkey, Colvin, Clark (J), Gaston, Burke, Zoghby, White (F), Beers, Harvey, Payne, Wright, Newton (D), Spratt, Bugg, Newman, Johnson (RG), Newton (C), Mathis, Box, Campbell, Poole, Blake, Hammett, Higginbotham, Harper, White (L), Haynes, Ford, Rains, Headley, Curry, Slaughter, Logan, Marks, Freeman, Sanderford, Brooks, Moon, Goodwin, McKee, Walker, Hogan, Frazier, Willis, Crow, and Carothers:

H. 1051. To require the Department of Public Safety to provide certain information to boards of registrars on persons acquiring drivers' licenses outside of the state; to authorize the boards of registrars to delete the names of said persons from voter registration lists; and to provide for certain exemptions for persons in the armed forces.

Also:

By Reps. Gray, Dillard, Petelos, Butler, Carter, Cosby, Turnham, Hamilton, Layson, Starkey, Colvin, Clark (J), Gaston, Burke, Zoghby, White (F), Beers, Harvey, Payne, Wright, Newton (D), Spratt, Bugg, Newman, Frazier, Willis, Crow, Carothers, Johnson (RG), Newton (C), Mathis, Campbell, Box, Poole, Blake, Hammett, Higginbotham, White (L), Haynes, Ford, Rains, Headley, Curry, Slaughter, Logan, Marks, Freeman, Sanderford, Brooks, Moon, Goodwin, McKee, Walker, Hogan, and Harper:

H. 1052. To provide that the bureau of vital statistics shall furnish to the boards of registrars a list of previously deceased persons.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 252—to the Committee on Governmental Affairs

H. B.'s 1051 and 1052—to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Zoghby, Gaston, Kvalheim, and Harper:

H. 175. To provide that all persons now employed by the University of South Alabama Medical Center who were employed by Mobile General Hospital may purchase credit for up to five years for such service under the State Employees' Retirement System.

Also:

By Reps. Kvalheim, Penry, and Zoghby:

H. 1077. To amend Section 36-29-1, Code of Alabama 1975, which defines "employee" for state employees' health insurance purposes, so as to include employees of the USS Alabama Battleship Commission within said definition.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 175—to the Committee on Finance and Taxation

H. B. 1077—to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Flowers, Holley, and Williams:

H. 826. To provide for the reopening of the Teachers' Retirement System of Alabama to those members who prior to the effective date of this act have previous employment with a school operated by the Department of Defense of the United States of America. To provide for the calculation for the cost of the purchase of such service and to provide for a termination date.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 826—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Sanderford, Hall, and Brooks:

H. 1076. To propose an amendment to the Constitution of Alabama of 1901 pertaining only to Madison County so as to establish a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner upon the expiration of the current terms of office of tax assessor and tax collector; to prescribe the powers, duties, compensation and term of office of said county revenue commissioner and provide for his election; and to abolish the county offices of tax assessor and tax collector in Madison County.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1076—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Moon, Freeman, Richardson, Hamilton, Blakeney, Lindsey, Warren, and Bryant:

H. 133. To amend Section 41-16-21, Code of Alabama 1975, as last amended, relating to certain contracts for which competitive bidding is not required, so as to provide that advertising of the state parks by the department of conservation and natural resources shall be exempt from such bidding requirements.

Also:

By Reps. Moon, Richardson, and Hamilton:

H. 134. To amend Section 9-14-27, Code of Alabama 1975, as last amended, relating to the lengths of the terms of state parks concession contracts, so as to provide for an increase in the lengths thereof.

Also:

By Rep. Beasley:

H. 533. To amend Section 32-5A-7, Code of Alabama 1975, relating to emergency vehicles, so as to exempt any police vehicle operated by a police officer in the surveillance or apprehension of persons charged or suspected of violating any law from the provisions of the section.

Also:

By Rep. White (L):

H. 591. To provide for the publishing of the annual annotated cumulative supplements and other upkeep services to the Code of Alabama 1975, and any subsequent editions, and for the sale of any said Code and such upkeep services, under the supervision and direction of the Legislative Council; and to authorize the Governor, from time to time, to enter into a contract for the performance of such services.

Also:

By Rep. Grouby:

H. 1000. To allow survivors of the attack on Pearl Harbor to purchase distinctive motor vehicle license plates or tags; to prohibit the transfer of such plates; to prescribe the manner of charging for such license plates or tags; and to provide for the duties and powers of the commissioner of revenue and the probate judge or license commissioner.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 133 and 134—to the Committee on Governmental Affairs

H. B. 533—to the Committee on Judiciary

H. B. 591—to the Committee on Finance and Taxation

H. B. 1000—to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 982. To amend Chapter 18, Title 40, Code of Alabama 1975, to provide conformity with the current federal Internal Revenue Code by amending sections 40-18-160, 40-18-161, 40-18-162, 40-18-164, 40-18-165, 40-18-166, 40-18-169, 40-18-170, by adding new sections 40-18-174 and 40-18-175, altering the income tax treatment of resident Alabama S corporation shareholders to more closely conform to partnership income tax rules, and allowing the filing of composite tax returns on behalf of nonresident shareholders.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 982—to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Lindsey:

H. 932. To amend further section 40-17-224, Code of Alabama 1975, relating to the use of proceeds from an additional excise tax levied on gasoline, motor fuel and lubricating oil, so as to provide further for the use of such proceeds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 932—to the Committee on Commerce, Transportation, and Utilities

REPORTS OF COMMITTEES

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Crow:

H. 117. To amend Section 32-5A-177, Code of Alabama 1975, relating to the enforcement of speed limits, to permit aerial enforcement of speed laws.

By Reps. Newton (D), Spratt, and Perdue:

H. 135. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for nighttime searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, relating to search warrants.

By Rep. White (L):

H. 107. To amend Section 27-7-5, Code of Alabama 1975, so as to exempt from examination requirements those applicants whose license is limited to personal property insurance sold to borrowers or debtors under a master group policy issued to a creditor.

By Rep. Beers:

H. 257. To provide limited immunity from civil liability for persons performing building inspection services for municipalities and counties in the State of Alabama.

By Rep. Brooks:

H. 297. To propose that any person or candidate involved in certain election contests is entitled to make an examination of the ballots cast, given, or rejected in the election and provides the procedures for examination of the ballots cast, given, or rejected.

By Rep. McKee:

H. 336. Relating to the possession of weapons on public school property; to make it a Class C misdemeanor for a person to have in his possession a deadly weapon or dangerous instrument as defined in the Alabama Criminal Code while on the property of any city, county or other local public school or while being transported to or from school or a school related activity on transportation approved by the school; to fix the penalty therefor and to prescribe exemptions.

By Reps. Turner, Gray, and Curry:

H. 468. To amend certain sections in Title 40 of the Code of Alabama 1975, relating to crimes and offenses committed by employees of the Department of Revenue for violations of revenue and taxation statutes, regulations and procedure requiring confidentiality of information and certain exclusions therefrom; to amend Section 40-18-52, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of income tax returns and income tax information and to otherwise clarify its provisions; to amend Section 40-1-33, Code of Alabama 1975, so as to increase the

punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue; to amend Section 40-1-33, Code of Alabama 1975, to provide for the promulgation of rules and regulations permitting the exchange of tax information with other federal, state, county and municipal government tax agencies; and to amend Section 40-1-33 and Section 40-18-52 so as to exclude the orders of the revenue department's administrative law judge and testimony of witnesses in administrative hearings and in court from the confidentiality provisions of said statutes and makes said orders and testimony of witnesses public documents; and to specifically repeal Sections 40-23-29, 40-23-84, 40-14-57 and 40-17-202 of the Code of Alabama 1975.

By Rep. Campbell:

H. 486. To amend Alabama Code Section 41-9-374 (1975) to delete the specified appropriation provisions for the Alabama Commissioners on Uniform State Laws.

By Reps. Spratt, Escott, Perdue, Butler, Hill, Burke, Beers, Dillard, Marks, White (F), Knight, Curry, Logan, Petelos, Sanderford, Wright, McClain, White (G), Gray, Newman, Lindsey, Johnson (RW), Holley, Bowling, Ford, Carter, Harvey, Davis, Higginbotham, Campbell, Kennedy, Clark (W), Poole, Layson, Warren, Thomas, Haynes, Grouby, Mikell, Starkey, Melton, Parker, Venable, Flowers, Johnson (RG), Cosby, Williams, and Blake:

H. 527. To prohibit students from carrying electronic communication devices while in school and provides for penalties for violations.

By Reps. Petelos and Wright:

H. 537. To amend section 13A-12-231, Code of Alabama 1975, so as to provide an additional criminal penalty for possessing a firearm during the commission of any act proscribed by said section and to provide for distribution of criminal fines.

By Rep. White (G):

H. 539. To permit an authorizing subdivision to exercise police powers on airport authority property; and to amend Section 4-3-47, Code of Alabama 1975, as amended, which pertains to the powers of an airport authority, to provide that jurisdiction over misdemeanors committed on the property of an airport authority shall be vested in the courts of any municipality that is an authorizing subdivision when no county is an authorizing subdivision.

By Reps. Penry, Box, and Clark (J):

H. 311. To establish the Uniform Commercial Driver License Act, setting testing and licensing standards for operators and employers of commercial vehicles; to prescribe that certain minimum information be included on commercial driver licenses; to define groups of commercial vehicles; to provide for the cost of licenses, restrictions and endorsements for each such group; to exclude certain vehicles for personal or recreational purposes and certain testing for certain persons with certain skills and experience and to grandfather in certain persons; to prescribe the qualifications for applications and the manner of testing and licensing; to provide that no person shall be eligible to hold more than one driver license; to prescribe certain notification processes; to require employers to obtain and determine certain information about applicants and drivers; to provide for the issuance of permits; to

authorize the director and department to issue, promulgate and enforce certain guidelines, conditions, standards, rules and regulations, pursuant to the provisions of this act and federal regulations; prescribing lifetime and temporary revocations and suspensions of license for certain felony violations involving controlled substances and driving while under the influence with certain blood concentrations; to authorize the director and the department of public safety to enter into certain contracts or agreements to implement the provisions of this act and reciprocity with other states, provinces and territories, and to provide the conditions therefor; to provide for the full faith and credit of out-of-state convictions; to prescribe certain criminal penalties and punishment for certain violations, upon conviction, and to make such penalties and punishment cumulative to any and all other such provisions; and to specifically repeal laws conflicting with this act.

By Reps. Hamilton, Lindsey, Butler, Carter, McKee, Rogers, Laird, Gray, and Turnham:

H. 602. To amend Sections 34-17-7, 34-17-21, 34-17-24, 34-17-25, and 34-17-26, Code of Alabama 1975, relating to landscape architecture, so as to provide that district attorneys shall be responsible for collecting certain fines and prosecuting certain violators, to provide further for the time when evidence of certain qualifications shall be submitted, to provide further for a penalty for late payment of fees, to provide further for delinquent annual fees, to provide that the board shall establish and prescribe fees for certain services and to provide for temporary licensing in certain situations and pursuant to certain requirements.

By Reps. Beasley, White (L), Haynes, Butler, Johnson (RG), and Mikell:

H. 621. To amend Section 34-23-1, Code of Alabama 1975, relating to the practice of pharmacy, so as to provide further for the definition of "pharmacist."

By Reps. Petelos and Zoghby:

H. 631. To amend Sections 15-23-3, 15-23-5, 15-23-12, 15-23-14, and 15-23-15, Code of Alabama 1975, relating to the Alabama Crime Victims Compensation Commission, so as to increase the amount of burial expenses paid to the victim; to authorize work loss of claimant; to broaden the definition of the economic loss of a dependant; to extend the one year deadline for filing in certain cases; to authorize the Executive Director to pass on certain applications for compensation; to exempt the Commission from payment of cost of litigation under its right of subrogation, and to increase the maximum compensation award.

By Reps. Venable and Hammett:

H. 787. To amend Section 30-3-4, Code of Alabama 1975, which provides for visitation rights of grandparents in domestic relations cases, and in other cases, so as to provide further for such rights.

By Rep. Slaughter:

H. 752. To provide for suspending the driving privilege of those persons driving with an excessive concentration of alcohol in their bodies; to provide an opportunity for administrative review prior to the effective date of the suspension, and for an opportunity for a full hearing after the suspension becomes effective; and to provide for administrative and judicial review.

By Reps. McDowell, Escott, Starkey, Rogers, McClain, Grayson, Venable, Perdue, Bugg, Kennedy, Zoghby, Buskey (JE), Goodwin, Hamilton, and Britnell:

H. 793. To amend Code of Alabama 1975, §15-10-3 which provides the circumstances under which a law enforcement officer may arrest without a warrant, so that a law enforcement officer may arrest without a warrant in certain specified cases; and to provide for good faith immunity for arrests, to provide for reports of investigations of family violence, severability, repeal of conflicting laws and the effective date.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. McMillan, Box, Kvalheim, Zoghby, Harper, Marietta, Gaston, Clark (W), and Penry (With Amendment):

H. 545. To create and establish the Alabama High School of Mathematics and Science; to provide for legislative intent; definitions; board of directors, membership, method of appointment, duties, powers, compensation and terms of office; to provide for programs and operation; to provide for extracurricular activities; to prescribe eligibility requirements and to provide for funding.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom:

S. 673. To propose an Amendment to the Constitution of Alabama of 1901, to require inspection of hazardous waste generated outside the state prior to its treatment, storage or disposal.

The above Bill was read a second time at length as required by the Constitution.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Box, Fuller, Breedlove, Marietta, Penry, Blakeney, Hooper, McKee, Johnson (RG), Mathis, Kvalheim, Beasley, Newton (C), Layson, Carothers, Willis, Hogan, Venable, Mikell, Bowling, Clark (J), Turner, Kennedy, Holmes, Zoghby, Gaston, Newton (D), McDowell, Haynes, Buskey (JL), Higginbotham, White (L), Starkey, Williams, Butler, Harvey, Knight, Richardson, Melton, Coburn, Goodwin, Moon, Newman, Lindsey, Freeman, Parker, Dillard, Hill, Logan, Spratt, Headley, Britnell, Hamilton, Wright, Petelos, Sanderford, Rains, Ford, Carter, Haynes, Laird, Hall, Bugg, Gray, Marks, Buskey (JE), Rogers, Burke, Frazier, Turnham, Harper, Campbell, White (G), Cosby, Davis, and Slaughter (With Substitute) (With Amendment):

H. 800. To require approval by the commissioner of insurance of adjustments in health and disability insurance rates and require that insurance companies file certain information with the insurance department.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Holley, Fuller, Poole, Layson, Wright, Moon, and Knight:

H. 275. To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to create a Solid Waste Management Advisory Committee to advise on the development of said plan; to require cities and counties to develop and adopt comprehensive solid waste management plans with the assistance of the Department and the State's Regional Planning and Development Commissions; to require the Regional Planning and Development Commissions to develop a regional solid waste management needs assessment; to require the implementation of such plans; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities for 24 months after the effective date of this act so that such plans can be developed and implemented.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Preuitt and Campbell:

S. 611. To amend Section 16-33-4 of the Code of Alabama 1975, relating to benefits for dependents of blind parents, so as to provide further for such benefits.

By Rep. Layson:

H. 23. To allow local school boards in Alabama to provide a minimum ten (10) clock hour hunter safety unit of instruction, developed by the Department of Conservation and Natural Resources in conjunction with the State Department of Education, as an elective for junior and/or senior high school students.

By Reps. Burke, Lindsey, Richardson, Cosby, Harvey, Ford, Marks, Hamilton, Johnson (RW), Holley, Dillard, Moon, Newman, Butler, Starkey, McClain, McDowell, Turnham, Hooper, and Logan:

H. 267. To provide that any local city or county board of education be allowed to shorten the minimum number of school days for high school seniors up to a maximum of five days because schools were closed due to a natural disaster and to provide that no school shall lose any funds and that no teachers or employees shall lose any pay due to the provisions of this Act.

By Reps. Knight, Hill, Zoghby, Curry, and McMillan:

H. 706. To create the Catastrophic Special Education Trust Fund to be administered by the State Department of Education for the purpose of providing educational services to catastrophic cases in Special Education and to further provide that unused portions of the funds be placed in The Catastrophic Special Education Trust Fund for future use in such cases.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on

the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Ford (With Notice and Proof) (With Substitute):

H. 856. Relating to the City of Gadsden in Etowah County; authorizing the governing body to levy an additional ad valorem tax to be used for capital outlay purposes for the school system; and providing for a referendum for approval of the tax by the qualified electors of the city; and providing for certain exemptions.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Grayson:

H. 354. To amend Section 16-28-4, Code of Alabama, 1975, relating to the cutoff enrollment date of school children entering Grade One or Kindergarten so as to change the cutoff enrollment date from October 1 to September 1 of each year; to ensure that students already enrolled in Kindergarten can proceed to Grade One notwithstanding this Act; and to provide that no board of education shall lose any teacher unit as a result of this Act.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Harper and Marietta (With Amendment):

H. 870. To propose an amendment to the Constitution of Alabama to authorize the state to pay a portion of the capital costs of public facilities and works of internal improvement consisting of the deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the State Docks at the Port of Mobile; to authorize the state to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$20,000,000; and to authorize the state to establish a bond commission with the powers and resources necessary to issue the bonds authorized by this amendment to be issued by the state.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Harper (With Amendment):

H. 904. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$20,000,000 for the purpose of paying a portion of the capital costs of deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and the acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general

cargo handling facilities of the State Docks at the Port of Mobile; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the competitive employment of attorneys, financial advisors, accountants, registrars and paying agents in connection with the sale and issuance of the bonds; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this act; to empower the Bond Commission to make necessary payments and agreements regarding investments to comply with Federal law regarding tax exempt bonds, and to exempt from taxation in the State all bonds issued pursuant to this Act and the income therefrom.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis (With Notice and Proof):

S. 466. Relating to Shelby County; providing further for zoning regulations in unincorporated and incorporated areas within the county; transferring certain lands and property from an incorporated area to an unincorporated area within the county; providing that any zoning regulations or restrictions currently affecting certain property located within incorporated areas shall continue to affect said property after the transfer of same.

By Rep. Laird (With Notice and Proof):

H. 696. Relating to Randolph County; abolishing the office of constable and providing an effective date.

By Rep. Moon (With Notice and Proof):

H. 861. Relating to the City of Guntersville in Marshall County; authorizing the City of Guntersville to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

By Rep. Venable (With Notice and Proof):

H. 999. Relating to Coosa County; amending the Title and Sections 3, 5 and 12 of Act No. 86-239, H. 775 of the Regular Session 1986, (Acts 1986, p. 362) relating to the offices of chairman and associate members of the Coosa County Commission, so as to further provide for the compensation and manner of payment; to provide for the voting status of the judge of probate; to require the commission to authorize travel out of the state only for emergencies and the benefit of the citizens of Coosa County, except for

law enforcement traveling on official business or duty; and to provide for the effective operation of the act.

By Rep. Harvey (With Notice and Proof):

H. 1049. Relating to Blount County; amending Act No. 79-712, H. 782, 1979 Regular Session, providing for an expense allowance for members of the county board of education, so as to provide further for said expense allowance.

By Rep. Newman (With Notice and Proof):

H. 1054. Relating to Fayette County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Fayette County; and providing for a referendum.

By Reps. Logan and Newman (With Notice and Proof):

H. 1055. Relating to Marion County; providing that any monies collected from the additional court costs levied by Act No. 85-933, H. 243, 1985 Second Special Session (Acts 1985, p. 235), and amendment thereto and Act No. 85-934, S. 216, 1985 Second Special Session (Acts 1985, p. 235) and paid to the clerk of the circuit court under the authority of such acts, shall be distributed to the Marion County department of human resources for deposit in a separate fund; and to provide that the interest derived from such monies shall be used for handicapped children in the county.

By Rep. Lindsey (With Notice and Proof):

H. 1073. Relating to Cleburne County, authorizing certain retired law enforcement officers to retain their badges and pistols.

By Rep. Lindsey (With Notice and Proof):

H. 1074. Relating to Cleburne County; providing for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

By Rep. Grouby (With Notice and Proof):

H. 1075. Relating to Autauga County; to authorize the Autauga County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

RESOLUTION

Senator Sanders offered the following Senate Resolution, to-wit:

S. R. 221. CONGRATULATING THE WILLIAM J. JONES HIGH SCHOOL MUSTANGS ON THEIR OUTSTANDING 1988-1989 BASKETBALL SEASON.

Which was filed.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 676. To amend Sections 24-7-1, 24-7-2, 24-7-3, and 24-7-4, Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to define the term "reservation," provide further for the appointment of members of the Authority, delete the reference to the Civil Rights Act of 1968, and provide further for the duties, powers and area of operation of the Authority.

Also:

H. 854. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and distribution of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended, to provide (in certain cases) for the distribution of less than all such net income if and to the extent specified in the certificate of incorporation of a gas district, and to provide that the inclusion in any such certificate of incorporation of provisions authorizing the distribution of less than all such net income shall operate both prospectively and retrospectively.

Also:

H. 1026. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780 of the 1986 Regular Session (Acts 1986, p. 595) relating to the salary and expense allowances of the county superintendent of education so as to provide further for such salary and allowances.

Also:

H. 1027. Relating to Lawrence County; providing for the establishment of a system for assessment and collection of taxes and insurance of licenses under the supervision of elected county officials designated as county revenue commissioner and county license commissioner upon referendum approved by the electors of the county.

Also:

H. 1029. Relating to Lawrence County, to increase certain court costs and provide for the distribution of the additional court costs.

Also:

H. 1038. To promote the maintenance of Cherokee County's natural beauty by eliminating unsightly and unhealthy litter; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Cherokee County Health Department to enforce littering laws in Cherokee County; and to prescribe fines for violations.

Also:

H. 303. Relating to Talladega County; authorizing the county to pay all of its employees whose compensation is provided for by local act, on a bi-weekly basis instead of a semi-monthly basis; to provide that the provisions of this act are supplemental and are to be construed in pari materia with

other laws regulating compensation; and to provide further that those laws or parts of laws that are in direct conflict or inconsistent with this act are repealed hereby.

Also:

H. 693. Relating to the City of Florence; to provide for the establishment of a civic center; to provide for the creation of a public corporation hereinafter called "the Authority," for the purpose of establishing, maintaining and operating such civic center; to provide that the Authority shall be governed by a board of directors and that its affairs shall be managed and controlled by the board of directors; to define the powers and authority of the board of directors, including the power to construct, maintain, control, operate and manage a civic center and to borrow money and issue revenue bonds for such purpose; to prescribe the membership of the board of directors, the terms of office of the members thereof and to provide for their appointment and compensation; to prescribe the duties of the board of directors; to confer upon the Authority the power of eminent domain; to prescribe the type of buildings which may be erected as a part of such civic center and the use of such buildings; and to authorize the municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of the municipality.

Also:

H. 695. Relating to Lauderdale County; authorizing the county commission to levy an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at a certain rate; to provide for the collection and payment of such tax and to provide for the distribution of the funds derived therefrom; to authorize the Lauderdale County Commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Lauderdale County Commission for the collection of said taxes.

Also:

H. 948. Relating to Marion County, to amend Act No. 79-259, H. 665 of the 1979 Regular Session (Acts of 1979, p. 399) pertaining to the county commission's authority in regard to constructing and maintaining certain roads and driveways, so as to grant said authority to municipalities located in Marion County.

Also:

H. 1025. Relating to Lawrence County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Lawrence County 2015 Commission"; to provide for the composition, officers and duties of the commission.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds

vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 338. To provide that in addition to the definitions and authorizations contained in Sections 27-17-16, 27-30-1, 27-30-31, 27-30-33 and 27-36-7 of the Code of Alabama 1975, mutual aid associations may provide insurance policies and contracts as are authorized for domestic life and disability insurers in chapter 3 of Title 27 of the Code of Alabama 1975, subject to the limits on the size and types of risks to be insured as stated in Section 27-30-15 and Section 27-30-6.1.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 543. In the event that the Board of Water and Sewer Commissioners of any city ("Commissioners") takes over a Water and Fire Protection Authority's ("Authority") water system, to prohibit the Commissioners from charging customers located within the Authority's territory at rates or for connection fees in excess of the rates or fees charged to customers within the city limits; to increase the membership of the Commissioners' governing board to include the members of the Authority's governing board; to require the Commissioners to establish a \$2,000,000 trust fund for the support and maintenance of the Authority's fire protection system and to provide for the management of said trust; to require the Commissioners to establish an \$8,000,000 escrow account for the purpose of constructing water service improvements within a certain time in the Authority's territory; and to require the Commissioners to construct a sanitary sewer system within a certain time throughout the Authority's territory; and to except the application of this act if the governing board of the authority consents to said acquisition, operation or control of the water system by the commissioners.

Also:

H. 563. To further amend Act 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945, (general acts of the

Legislature of Alabama, pp. 376-400), as heretofore amended, related to creating and establishing in counties having a population of 400,000 or more according to the last or any future federal census, a county-wide civil service system, to provide for the creation in Class I municipalities of the executive exempt service and related matters as described below and hereby adopted as if set out in full herein.

Also:

H. 790. To provide for the creation of a public corporation to be known as the "Alabama Supercomputer Authority" for the purpose of acquiring, developing and administering a state-wide supercomputer and related telecommunications system for use by governmental agencies, educational institutions and private-sector businesses and industries; to provide a procedure for incorporation; to provide for the management of the public corporation by a board of directors; to confer upon the public corporation certain powers and authorities; to provide for the appointment of a chief executive officer and staff; that the Authority will retain no intellectual property rights in products, processes, etc., developed through utilization of the system; to provide for the privacy, security and confidentiality of data maintained in the system; to transfer certain assets to the Authority; to provide for the collection and use of funds by the Authority; to provide for the tax-exempt treatment of the Authority and require it to operate as a nonprofit corporation; and to provide for the dissolution of the Authority:

Also:

H. 950. To amend Act 88-824, so as to extend amnesty for payment of ad valorem taxes on tangible personal property by revising the date for filing, assessment, and payment of taxes to June 30, 1989.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1035. To authorize the governing body of Wetumpka to establish an Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within Wetumpka, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses

of members, the rules of procedure for operations and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; and to provide for appeals and other judicial processes.

Also:

H. 1037. Relating to Cherokee County; approving and authorizing the Cherokee County Commission to levy a certain increase in the ad valorem tax presently being levied in accordance with Amendment No. 373 to the Constitution of Alabama of 1901; providing that such increased countywide ad valorem tax shall be levied and collected by Cherokee County for each year beginning with the levy for the tax year October 1, 1989 to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2008 to September 30, 2009 (the tax for which year will be due and payable October 1, 2009) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Cherokee County at a special election called and held in accordance with the laws governing special elections.

Also:

H. 1031. Relating to Cherokee County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Also:

H. 58. To amend Sections 41-16-20, 41-16-24, 41-16-50, and 41-16-54 Code of Alabama 1975, relating to competitive bidding on public contracts, so as to provide further for the minimum amount of certain purchases and contracts that must be subjected to competitive bid procedures.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

RESOLUTIONS

Senators Manley and Bedsole offered the following Senate Joint Resolution, to-wit:

S. J. R. 222. COMMENDING THE WASHINGTON COUNTY HISTORICAL SOCIETY FOR THEIR LEADERSHIP IN PRESERVING THE HISTORY AND HERITAGE OF WASHINGTON COUNTY.

WHEREAS, the Washington County Historical Society has, for many years, provided the leadership in the county for the identification, protection and preservation of the history of the county; and

WHEREAS, the Society has taken the leadership to preserve the St. Stephens historical site which is the site of the first capitol of the State of Alabama and was instrumental in enacting the legislation to create the St. Stephens Historical Commission; and

WHEREAS, the Society was responsible for compiling, editing and publishing the first History of Washington County, a book cherished by all Washington countians, and of which all volumes have been sold; and

WHEREAS, the Society has recently given the leadership to the editing and publishing of The History of Washington County, First County in Alabama, Volume II, which has just been made available for purchase and furthers the Society's never ending goal for preservation of the history of Alabama's first county; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate and thank the Washington County Historical Society for its dedication and leadership in preserving and protecting the history of Washington County and for its valuable contribution to the history of the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Washington County Historical Society.

On motion of Senator Manley, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 223. EXPRESSING THE SENSE OF THE LEGISLATURE REGARDING THE RESTORATION OF EASTERN AIRLINES TO FULL OPERATIONS.

WHEREAS, the operations of Eastern Airlines have been substantially shut down since March 4, 1989, by a strike by the International Association of Machinists with the support of the pilots and flight attendants unions; and

WHEREAS, Eastern Airlines filed a petition under Chapter 11 of the United States Bankruptcy Code on March 9, 1989; and

WHEREAS, Texas Air Corporation, which controls Eastern Airlines, has negotiated for the sale of Eastern; and

WHEREAS, the organized employees of Eastern have agreed to provide the new owner with wage and work rule concessions totalling more than \$200 million annually for five years in return for a 30% equity share in the new company; and

WHEREAS, the sale agreement has expired for failure of the parties to agree on the management of Eastern during the period of its reorganization under Chapter 11; and

WHEREAS, the Bankruptcy Court has the power to appoint an independent trustee to manage Eastern's return to operation during the reorganization period, leading up to the consummation of the sale agreement and transfer of control to the new owner; and

WHEREAS, the return of Eastern Airlines to full operation is in the public interest and in the best interest of the creditors, employees, and customers of Eastern as well as the economies of the communities, states and regions of the country that Eastern serves; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the sense of this body that the Bankruptcy Court exercise its power under the Bankruptcy Code to appoint an independent trustee in the interests of the creditors and all other appropriate constituencies of the estate, and to further the substantial public interest in the prompt and safe restoration of Eastern Airlines to full operations with its corps of experienced, dedicated and professional employees.

On motion of Senator Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Preuitt offered the following Senate Joint Resolution, to-wit:

S. J. R. 224. RECOGNIZING AND COMMENDING THE WILSON BROTHERS AND FAMILIES OF CHILDERSBURG.

WHEREAS, B. S. Wilson and family, C. P. Wilson and family, and C. P. Wilson, Jr., and family of Wilson Brothers Construction, Childersburg, Alabama, have been instrumental in the development and growth of the State of Alabama, the County of Talladega and the City of Childersburg, for over forty years; and

WHEREAS, C. P. Wilson has served in various capacities on county and state construction boards and is presently a member of Childersburg Industrial Development Board, and is a director of the First Bank of Childersburg; B. S. Wilson has served on many local boards, is a member of the Citizens Advisory Group and is a director of First Federal Savings and Loan Association of Sylacauga; and C. P. Wilson, Jr., has served on the boards of many civic organizations and is constantly working to the improvement of the City of Childersburg; and

WHEREAS, all the families have made further contributions to the State, County and City, by actively participating with enthusiasm, and through demonstrating love, understanding, and devotion to the needs of all; and

WHEREAS, sensing the need for a new middle school and in a desire to see the school's progress and the children better educated, the Wilson families donated some fifty five (55) acres of land to the County Board of Education, thereby making it financially feasible for a new school to be built in Childersburg; they then actively sought the help of many other City, County and State officials to make this dream come true for all Childersburg citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express sincere appreciation to the Wilson families of Wilson Brothers Construction Company, Childersburg, Alabama, for contributions and services to the State of Alabama, Talladega County and the City of Childersburg and, most importantly, for making possible the construction of the new Childersburg Middle School.

BE IT FURTHER RESOLVED, That copies of this resolution of honor and esteem be forwarded to the B. S. Wilson, C. P. Wilson and C. P. Wilson, Jr., families and that a copy also be provided for appropriate display by the Wilson Brothers Construction Company of Childersburg.

On motion of Senator Preuitt, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Preuitt then offered the following Senate Joint Resolution, to-wit:

S. J. R. 225. NAMING THE STUDENT CENTER AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND, THE "JOHN A. TEAGUE STUDENT CENTER."

WHEREAS, former State Senator John A. Teague of Childersburg served two years in the Alabama House of Representatives, three terms in the Senate, and as President Pro-Tempore of the Senate for the 1982-1986 quadrennium; and

WHEREAS, throughout his distinguished legislative tenure, John Teague served the State of Alabama honorably and well, and his selection as Most Effective Senator in 1982 speaks eloquently of his endless labor as a dedicated public servant working tirelessly for the good of district and state, and to the betterment of all citizens thereof; and

WHEREAS, a matter of special interest to Senator Teague is the Alabama Institute for Deaf and Blind which was chartered for the education of the sensory impaired and, in continuous legislative leadership and support for the school and its students, John Teague was one of the Institute's most vigorous champions; and

WHEREAS, in recognition of John Teague's service to the state and to the Alabama Institute for Deaf and Blind, it is both fitting and desirable that his contributions be honored in an appropriate and lasting manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the student center at the Alabama Institute for Deaf and Blind, located on the campus of the Alabama School for the Deaf, the "John A. Teague Student Center," and do further authorize that appropriate signs and markers be erected and maintained so designating said structure.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Alabama Institute for Deaf and Blind, and that a copy also be presented to Senator Teague as a memento of this honorary designation of the Legislature.

On motion of Senator Preuitt, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 226. COMMENDING VIRGINIA CALVIN FOR DISTINGUISHED SERVICE TO LIMESTONE COUNTY.

Also:

S. R. 227. COMMENDING JIM WAYBRIGHT FOR DISTINGUISHED SERVICE TO LIMESTONE COUNTY.

Which were filed.

Senators Bennett and Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 228. NAMING ACT NO. 89-30 THE IZZI-COLEMAN-PETELOS-HILLIARD NOXIOUS WEED, OBNOXIOUS ACT.

WHEREAS, Noxious, dangerous man-eating weeds are a scourge on all society, and Birmingham society in particular; and

WHEREAS, Through visionary thinking, long-range planning and creative leadership Council Staff Member Richard Izzi and Council Committee Chair Person Linda Coleman have created and orchestrated a legislative maneuver to rid us of this insidious problem; and

WHEREAS, the Legislature in its infinite wisdom, having reviewed this omnibus legislation for approximately ten years has finally agreed to enact it into law through the skillful explanations of Lobbyist Mike Miles and Tim Cameron; and

WHEREAS, from henceforth, every time a freshly-hewn lot or vacant piece of property is viewed, credit will be given to Richard and Linda and their helpers, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That Act No. 89-30 of the 1989 session of the Alabama Legislature be known as the "Izzi-Coleman-Petelos-Hilliard Noxious Weed, Obnoxious Act" and that a copy of this resolution be forwarded to the Birmingham City Council.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carothers:

H. J. R. 519. STATING THE CONSENSUS OF THE LEGISLATURE REGARDING THE TENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

WHEREAS, the Tenth Amendment, part of the original Bill of Rights, reads as follows, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;" and

WHEREAS, the limits on Congress' authority to regulate State activities prescribed by the Tenth Amendment have recently been the subject of debate by the Supreme Court in the cases of Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1965), and South Carolina v. Baker, 56 U.S.L.W. 4311 (U.S. April 20, 1988) (No. 94, Original); and

WHEREAS, these cases hold that the limits of the Tenth Amendment are structural, and not substantive, leaving States to find protection from Congressional regulation through the national political process, rather than through judicially defined spheres of residual State authority; and

WHEREAS, these U.S. Supreme Court decisions invite further Federal preemption of State authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the consensus of this body that the Tenth Amendment to the Constitution of the United States is and always has been of operational force governing and balancing the respective powers of the States and the Federal Government. It is the further sense of this body to affirm that the Tenth Amendment is a substantive limit on national power and should so be applied as a test by the Courts of the United States and of the several states in the cases coming before them where a question of the exercise of the federal authority is raised.

BE IT FURTHER RESOLVED, That this resolution be forwarded to the President and to the U.S. Congress urging them in the carrying out of their responsibilities to protect and strengthen the position of the states in the federal union, avoid intrusion upon state prerogatives and afford protection to the proper governing authorities of the states.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 519, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING

THE BILL:

H. 939. Relating to Lee County; to create the Lee County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Lee County; to grant the commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; and to provide exceptions for such zoning regulations and for appeals from the decisions of the commission.

was taken up.

On motion of Senator Manley, further consideration of the Bill, H. B. 939, was postponed subject to the call of the Chair.

THE BILL:

S. 646. Relating to Jefferson County; establishing a residency requirement for Jefferson County Commissioners.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Parsons
Amari	deGraffenried	Goodwin	Rice
Barron	Denton	Hale	Sanders
Bedford	Dial	Hilliard	Smith (B)
Bennett	Dixon	Horn	Smith (J)
Cabaniss	Drinkard	Manley	Windom
Corbett	Ellis		

—25

Nays:

—0

On motion of Senator Bennett, the provisions of Rule 35 were suspended to allow transmittal to the House, of the Bill, S. B. 646.

THE BILL:

H. 751. Relating to the governing body of Jefferson County, Alabama; to authorize the Jefferson County Commission to employ administrative assistants, confidential secretaries and to set their compensation; to exempt such positions from any merit system and to provide other employment benefits.

was read a third time at length and passed.

Yeas 25; Nays 2.

Yeas:

Senators:	Covington	Figures	Manley	
Bailey	deGraffenried	Foshee	Mitchem	
Barron	Denton	Goodwin	Preuitt	
Bedford	Dial	Hale	Rice	
Bennett	Dixon	Hilliard	Sanders	
Cabaniss	Drinkard	Horn	Smith (B)	
Corbett	Ellis			—25

Nays:

Senators:	Amari	Parsons	—2
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THE BILL:

S. 712. Relating to Conecuh County; to repeal Sections 8 and 9 of Act No. 86-322 of the 1986 Regular Session which relates to the composition, power and duties of the county governing body, so as to repeal the provisions pertaining to the county administrator and the county engineer.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Parsons	
Bailey	deGraffenried	Hale	Preuitt	
Barron	Dial	Hand	Sanders	
Bedford	Dixon	Holmes	Smith (J)	
Bedsole	Drinkard	Horn	Windom	
Cabaniss	Figures			—25

<i>Nays:</i>	—0
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On motion of Senator Manley, the provisions of Rule 35 were suspended to allow transmittal to the House, of the Bill, S. B. 712.

THE BILL:

H. 857. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Mitchem
Amari	Campbell	Foshee	Parsons
Bailey	Covington	Hale	Rice
Barron	deGraffenried	Hilliard	Smith (B)
Bedford	Denton	Holmes	Smith (J)
Bedsole	Dial	Langford	Windom
Bennett	Ellis		

—25

Nays: —0

THE BILL:

H. 866. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city and to provide for a referendum.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Preuitt
Amari	deGraffenried	Hale	Rice
Bailey	Denton	Hilliard	Sanders
Barron	Dial	Holmes	Smith (B)
Bennett	Drinkard	Langford	Smith (J)
Bishop	Ellis	Mitchem	Windom
Cabaniss	Foshee		

—25

Nays: —0

THE BILL:

H. 1023. Relating to portions of Morgan County, to authorize the county governing body to levy an additional ad valorem tax, to provide said tax shall be subject to voter approval at a referendum, to provide for the collection and administration of said tax, to provide for the distribution of funds derived from said tax to volunteer fire departments and certain emergency medical technicians, to establish certain standards for eligible volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department and to provide that the county shall be immune from certain liability.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Mitchem
Amari	Campbell	Hale	Preuitt
Bailey	Covington	Hilliard	Rice
Barron	deGraffenried	Holmes	Smith (B)
Bedford	Denton	Langford	Smith (J)
Bedsole	Drinkard	Manley	Windom
Bennett	Figures		

—25

Nays: —0

THE BILL:

H. 1021. Relating to Walker County; amending Sections 6 and 14 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263) as amended, relating to the county civil service system, so as to provide further for the compensation of the members of the civil service board; and to provide for electronically recorded hearings and for transcripts.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem	
Barron	deGraffenried	Hilliard	Preuitt	
Bedford	Denton	Holmes	Rice	
Bedsole	Dixon	Horn	Sanders	
Bishop	Ellis	Langford	Smith (B)	
Campbell	Figures	Manley	Smith (J)	
Corbett	Goodwin			—25

Nays: —0

THE BILL:

H. 1024. Relating to Morgan County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Morgan County 2015 Commission"; to provide for the composition, officers and duties of the commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Amari	deGraffenried	Hale	Parsons	
Bailey	Denton	Hilliard	Preuitt	
Barron	Dial	Holmes	Sanders	
Bennett	Drinkard	Horn	Smith (J)	
Bishop	Ellis	Langford	Windom	
Campbell	Figures			—25

Nays: —0

THE BILL:

H. 1050. Relating to Shelby County; approving an increase of the three mill countywide ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by seven mills to ten mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional seven mill tax to be levied and collected by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1989, to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2016, to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the

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aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Shelby County at a special election called and held in accordance with the laws governing special elections.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hale	Mitchem
Amari	deGraffenried	Hand	Preuitt
Bailey	Denton	Hilliard	Sanders
Barron	Dial	Holmes	Smith (B)
Bedford	Dixon	Horn	Smith (J)
Bennett	Ellis	Langford	Windom
Cabaniss	Goodwin		

—25

Nays: —0

THE BILL:

H. 1044. Relating to Marengo County; providing for a certain expense allowance and a certain mileage allowance for the coroner and specifically repealing Act No. 79-522, H. 397, approved July 30, 1979 (Acts 1979, p. 934), Act No. 81-71, H. 86, approved February 26, 1981 (Acts 1981, p. 94), and Act No. 85-895, H. 82, approved September 19, 1985 (Acts 1985, Second Special Session, p. 154.).

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley
Bailey	Corbett	Hale	Parsons
Barron	Covington	Hand	Preuitt
Bedford	Denton	Hilliard	Sanders
Bedsole	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Cabaniss	Figures		

—25

Nays: —0

THE BILL:

H. 1020. Relating to Barbour County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Preuitt
Bailey	Denton	Hand	Rice
Barron	Dial	Hilliard	Sanders
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Mitchem	Smith (J)
Cabaniss	Ellis	Parsons	Windom
Corbett	Goodwin		

—25

Nays: —0

RESOLUTION

Senator Foshee requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

S. R. 229. COMMENDING SENATOR FOY COVINGTON ON HAVING THE ANNUAL AT SKIPPERSVILLE HIGH SCHOOL DEDICATED TO HIM.

WHEREAS, the Alabama Senate has learned through reliable sources that Skippersville High School will dedicate their 1989 school annual to Senator Foy Covington at a special "Foy Covington Day" ceremony to be held on May 5, 1989; and

WHEREAS, while we question the wisdom of their selection, we nevertheless would like to go on record as reluctantly concurring in their choice and joining herewith in the festivities; now therefore be it resolved by the Alabama Senate that we do hereby congratulate and commend our worthy colleague Senator Foy Covington on having the "Skippersville High School Annual for 1989" dedicated in his name:

Resolved further, that we are all envious of Senator Covington and we hereby direct that a xerox copy of this original handwritten resolution be presented to Senator Covington.

Which was adopted.

On motion of Senator Goodwin, the names of all other Senators were added in small letters as co-sponsors of the above Resolution.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1014. Proposing an amendment to the Constitution of Alabama of 1901, providing for fire protection districts in Calhoun County and the financing of such districts through the levy and collection of additional property taxes in such districts.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Mitchem	
Amari	Covington	Foshee	Preuitt	
Barron	Denton	Hale	Rice	
Bedford	Dial	Holmes	Smith (B)	
Bennett	Dixon	Langford	Smith (J)	
Bishop	Drinkard	Manley	Windom	
Cabaniss	Ellis			—25

Nays: —0

THE BILL:

H. 1019. Relating to Calhoun County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide for the collection and disposition of a special indexing

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fee; and to provide said system shall constitute official and permanent records in Calhoun County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Parsons	
Bailey	deGraffenried	Hale	Rice	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (J)	
Bishop	Drinkard	Langford	Windom	
Cabaniss	Figures			—25

Nays: —0

THE BILL:

H. 1053. Relating to the City of Jacksonville in Calhoun County, to amend Act 2182, H. 2753 of the 1971 Regular Session (Acts of 1971, p. 3489) as last amended, pertaining to the Jacksonville Civil Service System, so as to alter the compensation of board members; to provide for the board's annual budget; and to alter the number of persons on an eligible list from which the appointing authority may select.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	deGraffenried	Hale	Parsons	
Bailey	Denton	Hand	Rice	
Bedford	Dial	Holmes	Sanders	
Bennett	Dixon	Langford	Smith (B)	
Cabaniss	Ellis	Manley	Windom	
Campbell	Foshee			—25

Nays: —0

THE BILL:

H. 1057. Relating to Calhoun County, Alabama; to authorize Calhoun County in the furtherance of the public health, safety and general welfare of the citizens of the county to engage in arranging for fire hydrants on and along all water mains of appropriate diameter in unincorporated areas of Calhoun County; to authorize Calhoun County to negotiate and enter into agreements, with any entity or entities owning or maintaining water mains or systems, as may be necessary to allow fire hydrants to be provided pursuant to the provisions of this act; to provide for the county's responsibility in regard to fire hydrants provided pursuant to this act; to authorize Calhoun County to establish and maintain special funds for the purposes of providing such fire hydrants and for the inspection and maintenance of such fire hydrants; to allow the investment by the county of funds so as to generate adequate income for the continued inspection and maintenance of fire hydrants provided pursuant to this act; to authorize Calhoun County to set the amount

required for the purchase and installation of a fire hydrant and the amount necessary to provide for the continued inspection and maintenance of a fire hydrant; to require a person or legal entity desiring a fire hydrant to pay the county the amounts set by the county commission for its purchase and installation and its inspection and maintenance; to provide that all entities now or in the future providing water or water services within the boundaries of Calhoun County shall be required to make all purchases, and to do all installations, maintenance and servicing of fire hydrants, provided under the provisions of this act, for their usual and customary charges for such purchases and services; to authorize Calhoun County to levy and collect an inspection and maintenance fee should such become necessary; to require municipalities which are formed or which annex land with fire hydrants into their corporate limits to assume full responsibility for the continued inspection and maintenance of fire hydrants within such annexed or newly incorporated areas, or to provide for the adequate assumption of such responsibility; and to provide that the furnishing of fire hydrants pursuant to this act is a governmental function and to exempt Calhoun County from all tort liability in connection with the providing of fire hydrants pursuant to this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Amari	Covington	Goodwin	Parsons	
Bailey	deGraffenried	Hale	Preuitt	
Barron	Denton	Hilliard	Rice	
Bedford	Drinkard	Holmes	Sanders	
Bedsole	Ellis	Manley	Windom	
Bishop	Figures			—25

Nays: —0

THE BILL:

H. 1059. Relating to Mobile County and the practice of barbering; amending Sections 8 and 14 of Act No. 678, H. 1364 of the 1961 Regular Session entitled "An Act Regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof in all counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census," (1961 Acts, p. 940), relating to renewal of licenses and fees charged and collected by the Board of Barber Commissioners so as to provide further for requirements for license renewals and fees to be charged and collected by the said board.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Parsons
Bailey	Covington	Hand	Preuitt
Barron	deGraffenried	Holmes	Sanders
Bedsole	Denton	Horn	Smith (B)
Bishop	Dixon	Manley	Smith (J)
Cabaniss	Drinkard	Mitchem	Windom
Campbell	Figures		

—25

Nays: —0

THE BILL:

S. 707. To authorize the pension board established by Act Number 393 of the 1975 Regular Session of the Legislature of Alabama for officers and employees of library boards in cities having a population of 300,000 or more according to the 1970 or any subsequent census, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other person's dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said pension board shall be authorized to increase such benefits.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 1.

Yeas:

Senators:	deGraffenried	Foshee	Parsons
Barron	Denton	Goodwin	Rice
Bedford	Dial	Hale	Sanders
Bennett	Dixon	Hilliard	Smith (B)
Cabaniss	Drinkard	Horn	Smith (J)
Corbett	Ellis	Manley	Windom
Covington	Figures		

—25

Nay: Senator Amari —1

THE BILL:

S. 708. Relating to Jefferson County, to limit the amount of occupational license fees which can be levied or collected by the county government.

was taken up.

On motion of Senator Bennett, further consideration of the Bill, S. B. 708, was postponed temporarily.

THE BILL:

H. 966. This bill establishes an expense allowance for the sheriff of Jefferson County, Alabama, and provides that this act shall begin immediately and at the beginning of each term of office of said sheriff thereafter; including manner in which said allowance will be paid.

was read a third time at length and passed.

Yeas 25; Nays 1.

Yeas:

Senators:	deGraffenried	Foshee	Parsons
Barron	Denton	Goodwin	Rice
Bedford	Dial	Hale	Sanders
Bennett	Dixon	Hilliard	Smith (B)
Cabaniss	Drinkard	Horn	Smith (J)
Corbett	Ellis	Manley	Windom
Covington	Figures		

—25

Nay: Senator Amari

—1

Senator Figures requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 605. To amend Act No. 952, H. 8, 1988 Second Special Session, which levies a state privilege tax on pari-mutuel pools, so as to provide remedial clarification regarding the intended pari-mutuel pools at the Mobile Greyhound Park subject to taxation under Act 88-952, and to provide that the amendments herein provided shall have a retroactive effect to October 30, 1988.

And said Bill, H. B. 605, was read a third time at length and passed.

Yeas 11; Nays 2.

Abstaining 5.

Yeas:

Senators:	deGraffenried	Goodwin	Sanders
Barron	Dixon	Holmes	Smith (B)
Bennett	Figures	Rice	Windom

—11

Nays:

Senators:	Amari	Ellis
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—2

Abstaining:

Senators:	Corbett	Drinkard	Langford
Bailey	Dial		

—5

Senator Dial requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 342. To amend Sections 11-89-1, 11-89-3, 11-89-4, 11-89-5, 11-89-6, 11-89-7, 11-89-13, 11-89-17 and 11-89-18, of the Code of Alabama 1975 pertaining to water, sewer and fire protection districts so as to provide for the creation of districts as public corporations under Chapter 89 of Title 11 of the 1975 Code which would act as providers at wholesale of water or sanitary sewer service to municipalities, counties or other public corporations in the state or to particular customers of such municipalities, counties or public corporations at their written request, by providing for the incorporation of such supply districts, the amendment of their certificates of incorporation, election of their directors, and their powers, to empower any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state to contract with such supply districts, including "take-or-pay" contracts, to authorize provisions for the dissolution of the

district, to provide that the existence of a district shall not prevent the incorporation of another, to reduce the required number of directors of any district under the said Chapter 89 from five to three, and to reinsert provisions of Section 11-89-6 of the Code of Alabama 1975 which were deleted therefrom by mistake in 1986, and to make conforming changes in the aforesaid Sections to effectuate all of the foregoing.

Senator Dial offered the following amendment to the Bill, H. B. 342, to-wit:

AMENDMENT TO H. B. 342

Amend H. 342 by inserting after the semicolon following the word "use" on page 22, line 9, the following:

"and provided further, nothing herein shall authorize any district, county, municipality, public corporation or other authorizing subdivision to acquire any portion of or withdraw water from any hydroelectric project licensed by the Federal Energy Regulatory Commission or any predecessor or successor agency without the consent of the owner and licensee of said project and the approval of the Federal Energy Regulatory Commission or any successor agency.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Mitchem	
Bailey	Dial	Goodwin	Rice	
Bennett	Dixon	Hand	Smith (B)	
Cabaniss	Drinkard	Holmes	Smith (J)	
Campbell	Ellis	Langford	Windom	
Corbett	Figures	Manley		—22

Nays: —0

And said Bill, H. B. 342, as thus amended, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Mitchem	
Bailey	Dial	Goodwin	Rice	
Bennett	Dixon	Hand	Smith (B)	
Cabaniss	Drinkard	Holmes	Smith (J)	
Campbell	Ellis	Langford	Windom	
Corbett	Figures	Manley		—22

Nays: —0

Senator Goodwin requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 491. Relating to gas and oil; amending Section 9-17-13 of the Code of Alabama 1975, so as to provide further for the integration, pooling, cycling, repressuring, pressure maintenance or secondary recovery on gas and oil wells.

The Standing Committee on State Development and Tourism reported the following amendment to the Bill, H. B. 491, to-wit:

AMENDMENT TO H. B. 491

Amend H. B. 491 as follows:

On page 3, line 32, by deleting "7/8" and inserting the following: "13/16ths (or if said tract or interest is leased, the working interest fraction or percent if it is greater)"

On page 4, line 1, by deleting "1/8th" and inserting "3/16ths", and after "part" "(or the actual landowner royalty if it is less)".

On page 4, line 12, by deleting "1/8th" and inserting "3/16ths".

On page 4, line 22, by inserting the following after the word "unit,": "and the operator has made a good faith effort to (i) negotiate with each nonconsenting owner to have said owner's interest voluntarily integrated or pooled into the unit, (ii) notify each nonconsenting owner of record of the names of all owners of drilling rights who have agreed to integrate or pool any interests in the unit, (iii) ascertain the address of each nonconsenting owner (iv) give each nonconsenting owner written notice of the proposed operation, specifying the work to be performed, the proposed location, proposed depth, objective formation and the estimated cost of the proposed operation, and (v) to offer each nonconsenting owner the opportunity to lease or farm out on reasonable terms or participate in the cost and risk of developing and operating the unit well involved on reasonable terms,"

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Figures	Manley	
Bailey	deGraffenried	Foshee	Mitchem	
Bedsole	Dial	Goodwin	Rice	
Bennett	Dixon	Hand	Smith (B)	
Cabaniss	Drinkard	Holmes	Smith (J)	
Campbell	Ellis	Langford	Windom	—23

Nays: —0

And said Bill, H. B. 491, as thus amended, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Figures	Manley	
Bailey	deGraffenried	Foshee	Mitchem	
Bedsole	Dial	Goodwin	Rice	
Bennett	Dixon	Hand	Smith (B)	
Cabaniss	Drinkard	Holmes	Smith (J)	
Campbell	Ellis	Langford	Windom	—23

Nays: —0

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Senator Manley requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 147. This bill amends Sections 11-51-201, 11-51-203, 40-12-4, 40-23-101, 40-23-102, 40-23-104, 40-23-107 and 40-29-115, Code of Alabama 1975, which relates to the collection of certain sales and use taxes, so as to provide that the county tax collector shall collect municipal gross receipts or sales taxes and county sales taxes on sales made by a person or firm other than a licensed dealer of any automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer required to be registered or licensed with the probate judge, authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location; to require the county tax collector to collect the municipal and county use taxes authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location, on sales of the aforesaid vehicles made by dealers doing business outside the state of Alabama and on sales made by licensed Alabama dealers where municipal and county sales taxes were not collected at the time of purchase; to provide procedures to be used in the collection of said taxes; to provide for the distribution of revenues collected hereunder; to provide for a fee to be paid to the tax collector for such services; and to provide penalties for noncompliance.

And said Bill, H. B. 147, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Figures	Manley	
Bailey	deGraffenried	Foshee	Mitchem	
Bedsole	Dial	Goodwin	Rice	
Bennett	Dixon	Hand	Smith (B)	
Cabaniss	Drinkard	Holmes	Smith (J)	
Campbell	Ellis	Langford	Windom	—23

Nays: —0

Senator Windom requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 616. Providing for a certain conditional appropriation from the state general fund to Senior Citizens Services, Incorporated for the 1989-90 fiscal year.

And said Bill, H. B. 616, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Figures	Manley	
Bailey	deGraffenried	Foshee	Mitchem	
Bedsole	Dial	Goodwin	Rice	
Bennett	Dixon	Hand	Smith (B)	
Cabaniss	Drinkard	Holmes	Smith (J)	
Campbell	Ellis	Langford	Windom	—23

Nays: —0

Senator Bennett requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 671. To provide retirement allowances from general funds of municipalities for certain former elected officials of municipalities in the state.

And said Bill, S. B. 671, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Figures	Manley	
Bailey	deGraffenried	Foshee	Mitchem	
Bedsole	Dial	Goodwin	Rice	
Bennett	Dixon	Hand	Smith (B)	
Cabaniss	Drinkard	Holmes	Smith (J)	
Campbell	Ellis	Langford	Windom	—23

Nays: —0

On motion of Senator Bennett, the provisions of Rule 35 were suspended to allow transmittal to the House of the Bill, S. B. 671.

Senator Corbett requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 79. To provide for the regulation of the practice of occupational therapy; to provide for a short title, a declaration of purpose and definitions in regard to regulation; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to provide for an effective date; to provide an appropriation for fiscal years 1988-89 and 1989-90; and to provide for other matters relative to the foregoing.

was taken up.

Senator Corbett offered the following substitute for the Bill, H. B. 79, to-wit:

SUBSTITUTE FOR H. B. 79

A BILL TO BE ENTITLED AN ACT

To provide for the regulation of the practice of occupational therapy; to provide for a short title, a declaration of purpose and definitions in regard to regulation; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office vacancies, and removal of

members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to provide for an effective date; to provide an appropriation for fiscal years 1988-89 and 1989-90; and to provide for other matters relative to the foregoing.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Short Title. This act shall be known and may be cited as the "Alabama State Occupational Therapy Practice Act."

Section 2. Declaration of Purpose. The Alabama State Occupational Therapy Practice Act is enacted to safeguard the public health, safety, and welfare, and to assure the availability of high quality occupational therapy services to persons in need of such services. It is the purpose of this act to provide for the regulation of persons offering themselves as occupational therapists or as occupational therapy assistants.

Section 3. Definitions. In this act, the following terms shall have the respective meanings provided in this section unless the context clearly requires a different meaning:

- (1) "Association" means the Alabama Occupational Therapy Association.
- (2) "Board" means the Alabama State Board of Occupational Therapy.
- (3) "License" means a valid and current certificate of registration issued by the State Examining Boards of Alabama through the Alabama State Board of Occupational Therapy.
- (4) "Person" means a human person only, not a legal entity.
- (5) "Occupational therapy" means the application of purposeful activity in which one engages for evaluation, treatment, and consultation related to problems interfering with functional performance in persons impaired or threatened by physical illness or injury; psychosocial dysfunction; congenital dysfunction; developmental and learning dysfunction; the aging process; environmental deprivation or anticipated dysfunction; in order to maximize independence, prevent disability and maintain health. Specific occupational therapy services include, but are not limited to, evaluation techniques such as assessment of sensory motor abilities; assessment of the development of self-care activities and capacity for independence; assessment of the capacity for work readiness and work tasks; assessment of play and leisure performance; and assessment of environmental areas for the handicapped. Specific occupational therapy treatment techniques include activities of daily living (ADL); the design, fabrication and application of splints/orthotics; sensorimotor activities and exercise; the use of specifically designed goal oriented arts and crafts; design, fabrication, selection, and use of adaptive equipment; therapeutic activities, modalities and exercises to enhance functional performance; work readiness evaluation and training; and any other techniques for which the occupational therapist has received specialized training and consultation to provide for other matters relative to the foregoing. Notwithstanding any

other provision of this act, no occupational therapy treatment programs to be rendered by an occupational therapist, occupational therapy assistant, or occupational therapy aide shall be initiated without the referral of a physician or dentist licensed to practice in this state who shall establish a medical diagnosis of the condition for which the individual will receive occupational therapy services. In cases of long-term or chronic disease, disability, and/or disfunction requiring continued occupational therapy services, the person receiving such occupational therapy services must be reevaluated by a licensed physician or dentist at least annually for confirmation or modification of the medical diagnosis. Occupational therapists employed by state agencies and those employed by the public schools and colleges of this state who provide screening and rehabilitation services for the educationally related needs of the students are exempt from this referral requirement.

(6) "Occupational therapist" means a person licensed to practice occupational therapy as defined in this act, and whose license is in good standing.

(7) "Occupational therapy assistant" means a person licensed to assist in the practices of occupational therapy under the supervision of, or with the consultation of, a licensed occupational therapist, and whose license is in good standing.

(8) "Occupational therapy aide" means a person who assists in the delivery of occupational therapy, who works under direct on-site supervision of an occupational therapist and/or occupational therapy assistant and whose activities require an understanding of occupational therapy but do not require professional or advanced training in the basic anatomical, biological, psychological and social sciences involved in the practice of occupational therapy.

(9) "With the consultation of" means the collaboration of two or more persons on a regularly scheduled basis for the purpose of planning, review, or evaluation of occupational therapy services.

Section 4. License Required.

(a) No person may present himself/herself as an occupational therapist or an occupational therapy assistant in this state unless he or she is licensed in accordance with the provisions of this act. No firm, partnership, association or corporation may advertise or otherwise offer to provide or convey the impression that it is providing occupational therapy unless an individual holding a current valid license or permit under this act is or will at the appropriate time be rendering the occupational therapy services to which reference is made.

(b) It is unlawful for any person not licensed as an occupational therapist or an occupational therapy assistant or whose license has been suspended or revoked to use in connection with his/her name or place of business the words "occupational therapist," "licensed occupational therapist," "occupational therapy assistant," "licensed occupational therapy assistant," or the letters "O.T.," "L.O.T.," "O.T.R./L.," "O.T.A.," "L.O.T.A.," "C.O.T.A./L.," thereby indicating or implying that he/she is qualified to practice in this state as a licensed occupational therapist or a licensed occupational therapy assistant. It is unlawful also for any person not licensed under this act to show in any other way, orally, in writing, in print, or by sign, directly or by implication that he/she is engaged in performing occupational therapy services.

Section 5. Persons and Practices Not Affected. Nothing in this act shall be construed as preventing or restricting the practice, services, or activities of:

(1) Any person licensed under any other law of the state of Alabama from engaging in the profession for which he or she is licensed; or

(2) Any person employed as an occupational therapist or an occupational therapy assistant by the government of the United States, if such a person provides occupational therapy solely under the direction or control of the organization by which he or she is employed; or

(3) Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program if such activities and services constitute a part of a supervised course of study, if such a person is designated by a title which clearly indicates his or her status as a student or trainee; or

(4) Any person fulfilling the supervised fieldwork experience requirements of Section 8 (2) of this act; or

(5) Any person performing occupational therapy services within this state not licensed under this act, if such services are performed for no more than 120 consecutive calendar days if:

a. Such a person is licensed under the law of another state which has licensure requirements found by the board to be at least as stringent as the requirements of this act; or

b. Such a person maintains current certification as an occupational therapist registered or certified occupational therapy assistant with the American Occupational Therapy Certification Board.

Section 6. Alabama State Board of Occupational Therapy; Establishment; Terms of Office; Vacancies; Removal of Members; Meetings. There is hereby established the Alabama State Board of Occupational Therapy.

(1) The board shall consist of five members, four of whom will be involved in the practice of occupational therapy of which one will be an occupational therapy assistant. The fifth member shall be a person who is not engaged in the practice of occupational therapy. The occupational therapy board members shall be appointed by the governor from a list submitted by the Alabama Occupational Therapy Association. The occupational therapy board members shall have been engaged in rendering services to the public, teaching or research in occupational therapy for at least three years. The board members appointed from the list submitted by the association may be occupational therapists or occupational therapy assistants, and shall at all times be holders of valid licenses for the practice of occupational therapy in the state. Except for the members in the first board appointed from the list submitted by the association, all of such members shall fulfill the requirements for licensure of this act. Terms of appointment for the first board members shall be as follows: two members shall serve a one-year term; two members shall serve a two-year term; and one member shall serve a three-year term.

(2) The board shall, within 90 days after the effective date of this act, be selected as provided in subdivision (1). At the expiration of the above terms, board members shall be appointed in the same manner as the initial appointment, each for a period of three years, but no person shall be appointed to serve more than two consecutive terms.

(3) Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first members who shall serve through the last calendar day of the year in which they are appointed before the commencement of the terms prescribed by Section 6 (1).

(4) Within 45 days after the date of enactment of this act and annually thereafter, the association shall submit at least two and not more than three names for each of the positions to be filled. In the event of a midterm vacancy in one of the positions on the board, the governor shall appoint a member to fill the unexpired term from a list in the same manner as submitted previously by the association.

(5) The governor, after notice and opportunity for hearing by the board, may remove any member of the board for neglect of duty, incompetence, revocation or suspension of his/her license, or other dishonorable conduct. After such removal, the governor shall appoint a successor to the unexpired term from a list of not less than two or more than three names submitted by the association.

(6) The board shall elect from its membership a chairperson, a secretary, and a treasurer. A majority of the members of the board shall constitute a quorum and shall meet during the first month of the calendar year to select officers. No board member may hold the same position as an officer of the board for more than two consecutive years. At least one additional meeting shall be held before the end of the calendar year. Further meetings may be convened at the call of the chairperson or on the request of any three board members.

(7) Members may be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties.

(8) There is hereby established a separate special revenue trust fund in the state treasury to be known as the Alabama State Board of Occupational Therapy Fund. All receipts collected by the board under the provisions of this act are to be deposited in this fund and used only to carry out the provisions of this act. Such receipts shall be disbursed only by warrant of the state comptroller upon the state treasurer, upon itemized vouchers approved by the chairman of the board; provided that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Sections 41-4-80 through 41-4-96 and 41-19-1 through 41-19-12 of the Code of Alabama 1975 and only in amounts as stipulated in the general appropriations bill or other appropriation bills.

Section 7. Powers and Duties of the Board.

(a) The board shall administer, coordinate, and enforce the provisions of this act.

(b) The board shall, within 90 days of the time at which it is appointed, notify all current practitioners of occupational therapy in the state of Alabama, as identified by the American Occupational Therapy Certification Board, of the enactment of the act and its otherwise becoming a law.

(c) The board shall adopt and publish rules and regulations relating to the professional conduct to carry out the policies of this act, including but not limited to regulations relating to professional licensure, and the establishment of ethical standards of practice. The State Board of Medical Examiners and the Alabama State Board of Occupational Therapy must jointly

approve any rule, regulation or policy that interprets, explains, or enumerates the permissible acts, functions or services rendered by an occupational therapist, occupational therapy assistant or occupational therapy aide as those acts, functions and services are defined in section 3 of this act. Any rule, regulation or policy adopted in violation of this requirement is invalid.

(d) The board shall evaluate the qualifications of all applicants for licensure under this act and shall maintain a register of all persons holding a license and a record of all inspections made.

(e) The board shall approve or prepare all examinations of applicants for licensure at least twice a year, shall determine the qualifications and authorize the issuance of licenses to qualified occupational therapists and occupational therapy assistants and shall renew, suspend, or revoke the licenses in the manner provided.

(f) The board may investigate complaints and allegations concerning the violation of this act and may examine witnesses in connection with these investigations. Hearings may be conducted, providing reasonable public notice is given and records and minutes are kept in accordance with the rules and regulations of the board.

(g) The board shall make an annual report to the governor which report shall contain an account of duties performed, actions taken, and appropriate recommendations.

(h) The board shall establish a budget in accordance with the requirements of the state of Alabama.

(i) The board is empowered to establish and publish reasonable fees.

(j) The board may employ, and at its discretion discharge, an executive secretary and such officers and employees as may be necessary, and shall determine their duties and fix their compensation. These employees, guided by the recommendations of the board, shall act in all matters relating to this act.

Section 8. Requirements for Licensure. An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file a written application on forms provided by the board, showing to the satisfaction of the board fulfillment of the following requirements:

(1) Applicant shall present evidence satisfactory to the board of having successfully completed the academic requirements of an educational program in occupational therapy recognized by the board.

a. For an occupational therapist, such a program shall be accredited by the American Occupational Therapy Association in collaboration with the American Medical Association; or an individual may have successfully completed the American Occupational Therapy Association's career mobility program;

b. For an occupational therapy assistant, such program shall be approved by the American Occupational Therapy Association.

(2) Applicant shall submit to the board evidence of having successfully completed a period of supervised fieldwork experience at a recognized educational institution or a training program approved by the educational institution where he or she met the academic requirements.

a. For an occupational therapist, a minimum of 24 weeks supervised fieldwork experience is required.

b. For an occupational therapy assistant, a minimum of eight weeks supervised fieldwork experience is required.

(3) Applicant shall pass an examination as provided for in Section 9 of this act.

Section 9. Examination for Licensure.

(a) A person applying for licensure under this act shall demonstrate his/her eligibility in accordance with the requirements of Section 8 of this act, and shall make application for examination upon a form and in such a manner as the board shall prescribe. A person who fails an examination may make reapplication for reexamination accompanied by the established fee.

(b) Each applicant for licensure under this act shall be examined by the board in written examination to test his or her knowledge of the basic clinical sciences relating to occupational therapy, and occupational therapy theory and practice, the applicant's professional skills and judgment in the utilization of occupational therapy techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to practice. The board shall establish standards for acceptable performance by the applicant.

(c) The board shall give reasonable public notice of such examinations in accordance with its rules and regulations at least 60 days prior to their administration, and shall notify all individual examination applicants of the time and place of their administration.

(d) Applicants may obtain their examination scores in accordance with such rules and regulations as the board may establish.

(e) Foreign trained occupational therapists and occupational therapy assistants shall satisfy the examination requirements of Section 8 (3). The Board shall require foreign trained applicants to complete educational and supervised field work requirements, substantially equal to those contained in Section 8, before taking the examination.

Section 10. Waiver of Requirements for Licensure.

(a) The board shall waive the examination and grant a license to any person certified prior to the effective date of the act as an Occupational Therapist Registered (OTR) or as a Certified Occupational Therapy Assistant (COTA) by the American Occupational Therapy Certification board. The board may waive the examination and grant a license to any person so certified after the effective date of this act if the board considers the requirements for certification to be equivalent to the requirements under the terms of this act.

(b) The board may waive the examination and grant a license to any applicant who shall present proof of current licensure as an occupational therapist or an occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure of this act.

(c) The board shall waive the educational requirements in Section 8 (1) but not the supervised fieldwork requirements in Section 8 (2) for applicants

for licensure who present evidence to the board that they have been engaged in the practice of occupational therapy on and prior to the effective date of this act. Such proof of actual practice shall be presented to the board in such a manner as it may prescribe by regulation. To obtain the benefit of this waiver, an applicant shall file an application for licensure no later than fifteen (15) months from the effective date of this act.

(d) The Board shall cause notification to be sent to all occupational therapists presently employed or practicing occupational therapy in this state. The notification must summarize the requirements of this Act and provide information on procedures for obtaining a license. Publication of the notification shall be accomplished in the following manner:

1. A letter containing the notice shall be directed to all persons registered or certified by the American Occupational Therapy Certification Board who reside in the State of Alabama; and

2. Notice shall be published in all national and state trade or professional journals relating to occupational therapy for not less than three (3) consecutive months; and

3. Notice shall be published in all daily newspapers in the State of Alabama at least once per month for three (3) consecutive months.

The Board shall cause the notices required by this sub-section to commence within 90 days from the effective date of this Act.

Section 11. Issuance of a License.

(a) The board shall issue a license to any person who meets the requirements of this act upon payment of the license fee as described in Section 14 of this act.

(b) The board shall issue a limited permit to persons who have completed the education and experience requirements of this act. This permit shall allow the person to practice occupational therapy under the supervision of an occupational therapist who holds a current license in this state and shall be valid until the date on which the results of the next qualifying examination have been made public. This limited permit shall not be renewed if the applicant has failed the examination.

(c) Any person who is issued a license as an occupational therapist under the terms of this act may use the words "occupational therapist," "licensed occupational therapist," "occupational therapist registered," or may use the letters "O.T.," "L.O.T.," or "O.T.R./L." in connection with his/her name or place of business to denote registration hereunder.

(d) Any person who is issued a license as an occupational therapy assistant under the terms of this act may use the words "occupational therapy assistant," "licensed occupational therapy assistant," "certified occupational therapy assistant," or may use the letters "O.T.A.," "L.O.T.A.," or "C.O.T.A./L." in connection with his or her name or place of business to denote registration hereunder.

Section 12. Suspension and Revocation of License; Refusal to Renew.

(a) The board shall, after notice and opportunity for hearing, have the power to deny or refuse to renew a license, or may suspend or revoke a license, or may impose probationary conditions, where the licensee or applicant for license has been guilty of unprofessional conduct which has

endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct includes:

- (1) Obtaining or attempting to obtain a license by fraud, misrepresentation, or concealment of material facts;
- (2) Being guilty of unprofessional conduct as defined by the rules established by the board;
- (3) Violating any lawful order, rule or regulation rendered or adopted by the board;
- (4) Being convicted of a crime other than minor offenses defined as "minor misdemeanors," "violations," or "offenses" in any court if the acts for which he or she was convicted are found by the board to have a direct bearing on whether he or she should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant;
- (5) Violating any provision of this act.

(b) Such denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license may be ordered by the board in a decision made after a hearing in the manner provided by the rules and regulations adopted by the board. One year from the date of the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may, but shall not be required to, hold a hearing to consider such reinstatement.

Section 13. Renewal of License.

(a) All licenses under this act shall be subject to renewal and shall expire unless renewed in the manner prescribed by the rules and regulations of the board upon the payment of a renewal fee. The board may set a required number of continuing education units for license renewal. The board may provide for a late renewal of license upon payment of a late renewal fee. Any license which has not been restored within three years following its expiration may not be renewed, restored, or reissued thereafter. The holder of such an expired license may apply for and obtain a valid license only upon compliance with all relevant requirements for issuance of a new license.

(b) A suspended license is subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity or in other conduct or activity in violation of the license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall pay the reorderId judgment by which the license was suspended. If a license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall pay the renewal fee and any late fee that may be applicable.

Section 14. Fees. The board is empowered to establish and publish reasonable fees in amounts determined by the board for the following purposes:

- (1) Application for examination;
- (2) Limited permit fee;
- (3) Initial license fee;

(4) Renewal of license fee;

(5) Late renewal fee.

Section 15. Crimes and Criminal Penalties.

(a) Any person who violates any provisions of the act, the Alabama State Occupational Therapy Practice Act, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$250.00 and not more than \$1,000.00, or imprisonment for a period not exceeding six months, or both. A license held by any person convicted under this section shall be forfeited and revoked forthwith for one year from the date of such conviction.

(b) It is unlawful for any person who is not registered under this act as an occupational therapist or as an occupational therapy assistant or whose registration has been suspended or revoked to use, in connection with his or her name or place of business, the words "occupational therapist," "licensed occupational therapist," "occupational therapist registered," "occupational therapy assistant," "licensed occupational therapy assistant," "certified occupational therapy assistant," or the letters "O.T.," "L.O.T.," "O.T.R.," "O.T.A.," "L.O.T.A.," or "C.O.T.A.," or any other words, letters, abbreviations, or insignia indicating or implying that he or she is an occupational therapist or an occupational therapy assistant or to show in any way, orally, in writing, in print, or by sign, directly or by implication, or to represent himself or herself as an occupational therapist or an occupational therapy assistant.

Section 16. Provision for Appeal or Review.

Any person may file a complaint with the board against any licensed occupational therapist or licensed occupational therapy assistant in the state charging said person with having violated the provisions of this act. The complaint shall set forth specifications of charges in sufficient detail so as to disclose to the accused fully and completely the alleged acts of misconduct for which he or she is charged. When such complaint is filed, the secretary of the board shall mail a copy thereof to the accused by registered mail at his or her address of record, with a written notice of the time and place of hearing thereof, advising him or her that he or she may be present in person and by counsel if he or she so desires, to offer evidence and be heard in his or her defense.

At the time and place fixed for the hearing, the board shall receive evidence upon the subject matter under consideration and shall accord the person against whom charges are preferred a full and fair opportunity to be heard in his or her defense. The board shall not be bound by strict or technical rules of evidence but shall consider all evidence fully and fairly; provided, however, that all oral testimony considered by the board must be under oath. If the board finds that the licensed occupational therapist or the licensed occupational therapy assistant has violated the provisions of this act, it shall immediately revoke his or her licensure.

The action of the board in revoking or refusing to issue a license may be reviewed by the circuit court of Montgomery County by a writ of mandamus, accompanied by a bond to be approved by the court, to determine whether the board acted arbitrarily, capriciously, or illegally. The review procedure provided herein shall not suspend the action of the board in the revocation or refusal of a license.

Section 17. There is hereby appropriated from the Alabama State Board of Occupational Therapy Fund to the Alabama Board State Board of Occupational Therapy, for the fiscal year ending September 30, 1989, the sum of \$20,000. The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama State Board of Occupational Therapy.

Section 18. There is hereby appropriated from the Alabama State Board of Occupational Therapy Fund to the Alabama Board State Board of Occupational Therapy, for the fiscal year ending September 30, 1990, the sum of \$40,000. The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama State Board of Occupational Therapy.

Section 19. Severability. In the event any section, subsection, sentence, clause or phrase of this act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner effect the other sections, subsections, sentences, clauses or phrases of this act, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The Alabama State Legislature hereby declares that it would have passed the remaining parts of this act if it had been known that such parts hereof would be declared or adjudged invalid or unconstitutional.

Section 20. Repealer. All laws or parts of laws which conflict with this act are hereby repealed.

Section 21. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Corbett, further consideration of the Bill, H. B. 79, and pending substitute, was postponed subject to the call of the Chair.

Senator Cabaniss requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 116. To further provide for the tax liability of certain retailers who rely on legally issued state tax exempt numbers when users violate the tax exempt privilege; to authorize the state department of revenue to collect the tax from the user of the tax exemption number and certain others; to specifically provide that certain retailers are exempt from the tax liability.

And said Bill, H. B. 116, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Figures	Manley	
Bailey	deGraffenried	Foshee	Mitchem	
Bedsole	Dial	Goodwin	Rice	
Bennett	Dixon	Hand	Smith (B)	
Cabaniss	Drinkard	Holmes	Smith (J)	
Campbell	Ellis	Langford	Windom	—23

Nays: —0

Senator Bailey requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 608. To amend Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service

out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

And said Bill, H. B. 608, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Figures	Manley
Bailey	deGraffenried	Foshee	Mitchem
Bedsale	Dial	Goodwin	Rice
Bennett	Dixon	Hand	Smith (B)
Cabaniss	Drinkard	Holmes	Smith (J)
Campbell	Ellis	Langford	Windom

—23

Nays: —0

FURTHER CONSIDERATION OF H. B. 79

The Senate proceeded to further consideration of the Bill, H. B. 79. The question was on the substitute offered by Senator Corbett.

On motion of Senator Corbett, further consideration of the Bill, H. B. 79, and pending substitute, was postponed subject to the call of the Chair.

FURTHER CONSIDERATION OF S. B. 636

The Senate proceeded to further consideration of the Bill:

S. 636. To establish a new regulatory and licensing board for the practice of Cosmetology and Barbering; to create the Alabama Board of Cosmetology and Barbering; to provide for suspension and revocation of licenses; to prescribe penalties for certain violations; and to repeal Chapters 5 and 7 of Title 34, Code of Alabama 1975, relating to barbers and cosmetologists.

as amended, which said amendment is set out in the Journal of the Senate for the Twenty-Fourth Legislative Day.

Senator Rice offered the following amendment No. 2 to the Bill, S. B. 636, as amended, to-wit:

AMENDMENT NO. 2 TO S. B. 636, AS AMENDED

Amend S. B. 636 as follows:

On page 37, line 21 strike the word "eleven" and insert in lieu thereof the word "thirteen".

Further amend S. B. 636 on page 37, line 30 by striking the word "four" and inserting in lieu thereof the word "six".

Further amend S. B. 636 on page 37, line 31 by striking the word "four" and inserting in lieu thereof the word "six".

Further amend S. B. 636 on page 37, line 33, by striking the words "one for a term of two years" and inserting in lieu thereof the words "two for a term of two years".

Further amend S. B. 636 on page 37, beginning on line 33 by striking the words "and one for a term of one year" and inserting in lieu thereof the words "and two for a term of one year".

Further amend S. B. 636 on page 38, line 1 by striking the word "four" and inserting in lieu thereof the word "six".

Further amend S. B. 636 on page 38, line 19 before the word "or" by inserting the words ", managing stylist,".

Which was adopted.

Yeas 18; Nays 2.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Amari	deGraffenried	Goodwin	Rice	
Barron	Dixon	Hale	Sanders	
Bedsole	Drinkard	Holmes	Smith (J)	
Cabaniss	Ellis	Horn		—18

Nays:

Senators:	Corbett	Smith (B)	—2
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And said Bill, S. B. 636, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 16; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Mitchem	
Amari	Campbell	Goodwin	Parsons	
Barron	deGraffenried	Hale	Rice	
Bedford	Dixon	Holmes	Smith (J)	
Bedsole				—16

Nays:

Senators:	Corbett	Smith (B)	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 638. To propose a constitutional amendment authorizing the legislature to enact laws regulating costs and charges of court in certain political subdivisions; to validate certain prior acts and actions taken pursuant thereto; and to prohibit retroactive levy and collection of said costs and charges.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 21; Nays 0.

Yeas:

Senators:	Covington	Foshee	Horn	
Amari	deGraffenried	Goodwin	Manley	
Bailey	Dial	Hale	Mitchem	
Barron	Dixon	Hand	Preuitt	
Bedsole	Drinkard	Holmes	Smith (B)	
Campbell	Ellis			—21

Nays:

—0

REGULAR SESSION
27th Day

2145

Senator Dixon requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 367. To amend Section 31-6-2, Code of Alabama 1975, which defines certain terms for the purposes of veterans' and dependents' educational benefits, so as to provide further for the definition of "armed forces."

And said Bill, S. B. 367, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem
Amari	Covington	Goodwin	Preuitt
Barron	deGraffenried	Hale	Sanders
Bedsole	Dial	Hand	Smith (B)
Bennett	Dixon	Horn	Smith (J)
Cabaniss	Drinkard	Manley	Windom
Campbell	Ellis		

—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 135. To amend Section 11-81-21 of the Code of Alabama 1975 to add thereto other securities in which municipal or county funds not presently needed for other purposes may be invested.

Also:

S. 216. To amend Section 37-6-3(10) of the Code of Alabama of 1975 to clarify the power of rural electric cooperatives to acquire minority interests in electric generating plants, transmission and distribution lines or systems in common with others, to own undivided interests in facilities, to contract for the construction, operation and maintenance of facilities by other parties and allocate among parties to the contract various costs and expenses and specify entitlement of joint owners to production capability or utilization of facilities, to alter the normal rights of joint owners of property through provisions in such agreements and delegate powers and duties in connection with construction, operation, ownership and disposal of facilities to other parties to such agreements, to contract for the purchase and ownership of project capability or amounts of electric capacity and energy from a project, whether such project is complete or operable or operating, to agree to pay expenses and costs as established by a project manager, including increased costs to cover defaults by project participants and to authorize agreements requiring payments by a cooperative of an unconditional nature, irrespective of whether any electricity or other service is received in return and irrespective of whether the cooperative owns an interest in any tangible physical property.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

Senator Bedsole requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 375. To create the Respiratory Care Act and to provide for definitions, qualifications, examination, and licensing of persons administering respiratory care and for waivers from examination and licensing; to provide for the powers, duties and responsibilities of the Alabama State Board of Respiratory Care; to provide for the appointment, term, qualification and meetings of the board; to create a special fund for receipts collected by the Board; to provide for the administration of said fund; to provide for issuance and renewal of licenses and temporary licenses; to provide for prohibited acts and penalties; to provide for fees; to provide for causes and procedures for disciplinary action; to prohibit false representation of licensure; to provide criminal penalties for certain violations; to provide for exemptions; and to provide for related matters.

The Standing Committee on Health reported the following amendment to the Bill, S. B. 375, to-wit:

AMENDMENT TO S. B. 375

Amend S. B. 375 as follows:

1. On page 6 at line 14 by striking the words "Alabama Medical Association" and substituting in their place the words "The Medical Association of the State of Alabama".

2. On page 6 at line 22 by striking the words "Alabama Medical Association" and substituting in their place the words "The Medical Association of the State of Alabama".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Amari	Covington	Goodwin	Preuit	
Barron	deGraffenried	Hale	Sanders	
Bedsole	Dial	Hand	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Cabaniss	Drinkard	Manley	Windom	
Campbell	Ellis			—25

Nays:

—0

The Standing Committee on Health then reported the following amendment No. 2 to the Bill, S. B. 375, as amended, to-wit:

AMENDMENT NO. 2 TO S. B. 375, AS AMENDED

Amend S. B. 375 on Page 12, Line 14, by inserting the following and renumbering all subsequent sections:

"Section 13. There is hereby appropriated from the Alabama State Board of Respiratory Care Fund to the Alabama State Board of Respiratory Care, for the fiscal year ending September 30, 1989, the sum of \$50,000.

The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama State Board of Respiratory Care.

Section 14. There is hereby appropriated from the Alabama State Board of Respiratory Care Fund to the Alabama State Board of Respiratory Care, for the fiscal year ending September 30, 1990, the sum of \$100,000. The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama State Board of Respiratory Care."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Amari	Covington	Goodwin	Preuitt	
Barron	deGraffenried	Hale	Sanders	
Bedsole	Dial	Hand	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Cabaniss	Drinkard	Manley	Windom	
Campbell	Ellis			—25

Nays:

—0

And said Bill, S. B. 375, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Amari	Covington	Goodwin	Preuitt	
Barron	deGraffenried	Hale	Sanders	
Bedsole	Dial	Hand	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Cabaniss	Drinkard	Manley	Windom	
Campbell	Ellis			—25

Nays:

—0

On motion of Senator Bedsole, the provisions of Rule 35 were suspended to allow transmittal to the House of the Bill, S. B. 375.

Senator Drinkard requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 445. To create the Alabama Prepaid College Tuition Trust Fund (the Fund) and a board of trustees (the board) to administer the fund and implement the provisions of this act; to declare legislative intent; to name this act the "Alabama Prepaid College Tuition Act"; to provide definitions; to provide for the membership, terms of office, qualifications, reimbursement, meetings, powers, duties and responsibilities of the board of trustees of the trust fund; to grant broad powers necessary to implement this act; to authorize investments by the board; to provide for the location and administration of the trust fund; to authorize prepaid college tuition contracts between the board and individuals for the benefit of qualified beneficiaries in order to receive college or university education; to provide for the terms of such contracts and the rights of parties to such contracts; to provide for payroll

deductions for such contracts; and to provide for certain specific requirements of the board.

The Standing Committee on Banking and Insurance reported the following substitute for the Bill, H. B. 445, to-wit:

SUBSTITUTE FOR H. B. 445

A BILL TO BE ENTITLED AN ACT

To create the Alabama Prepaid College Tuition Trust Fund (the Fund) and a board of trustees (the board) to administer the fund and implement the provisions of this act; to declare legislative intent; to name this act the "Alabama Prepaid College Tuition Act"; to provide definitions; to provide for the membership, terms of office, qualifications, reimbursement, meetings, powers, duties and responsibilities of the board of trustees of the trust fund; to grant broad powers necessary to implement this act; to authorize investments by the board; to provide for the location and administration of the trust fund; to authorize prepaid college tuition contracts between the board and individuals for the benefit of qualified beneficiaries in order to receive college or university education; to provide for the terms of such contracts and the rights of parties to such contracts; to provide for payroll deductions for such contracts; and to provide for certain specific requirements of the board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislative intent of this act is to established an educational trust fund through which many of the costs associated with attending a state college or university may be paid in advance for the full term of undergraduate enrollment. In establishing the trust fund, it is the intent of the legislature to encourage timely financial planning for higher education by the creation of prepaid tuition contracts and to encourage employer participation in such planning, and to provide assistance and incentives for the purchase of prepaid tuition contracts for the benefit of the children of the people of this state.

Section 2. This act shall be known as the "Alabama Prepaid College Tuition Act."

Section 3. The following terms shall have the meanings ascribed to them, unless the context clearly indicates otherwise:

(a) Prepaid Tuition Contract. A contract entered into by the board of trustees of the trust fund and a purchaser pursuant to this act.

(b) Trust Fund. The Alabama Prepaid College Tuition Trust Fund created pursuant to Section 6 of this act.

(c) Purchaser. A person who makes or is obligated to make advance payments in accordance with a prepaid tuition contract entered into pursuant to this act.

(d) Qualified Beneficiary. A resident of this state at the time a purchaser enters into a prepaid tuition contract on behalf of the resident.

(e) State College, University. Any state supported public two or four year college or university.

(f) Tuition. The quarter, semester or term charges imposed by a state college or university and all mandatory fees required as a condition of enrollment.

(g) Board. The Board of Trustees of the Alabama Prepaid College Tuition Trust Fund as provided in Section 4 hereof.

(h) Outside Tuition Fee. The amount of tuition and/or fees payable to a college or university outside the state or independent institutions upon the election by a beneficiary to attend such institution. This fee shall generally be the amount of the average tuition costs and/or fees of state institutions of higher learning as determined by the board of Trustees on an annual basis.

Section 4. (a) The Board of Trustees of the Alabama Prepaid College Tuition Trust Fund shall consist of nine (9) members as follows:

The Executive Director of the Alabama Commission on Higher Education (ACHE), a representative of the Council of College and University Presidents, the Treasurer of the State of Alabama, The Chancellor of the Alabama Department of Postsecondary Education, each of whom shall serve ex officio; one (1) person appointed by the Speaker of the House of Representatives, and one (1) person appointed by the Lieutenant Governor, for initial terms of office of two (2) years each; one person appointed by the Treasurer for an initial term of office of three (3) years; and two (2) persons appointed by the Governor for an initial term of office of four (4) years. Successors to the appointed members shall serve for terms of office of four years and shall be eligible for reappointment, and shall serve until a successor is appointed. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term.

(b) Each trustee appointed shall possess knowledge, skill, and experience in business or financial matters commensurate with the duties and responsibilities of the trust fund; provided, however, that no person holding a full-time office or position of employment with the state, any county or municipality in the state, any educational institution, or any instrumentality, agency or subdivision of the foregoing, shall be eligible for appointment to the board.

(c) Members of the Board of Trustees shall serve without compensation, but shall be reimbursed for each day's official duties of the board at the same per diem and travel rate as is paid the employees of the state.

(d) The State Treasurer shall be the chairman and presiding officer of the board, and the board may appoint such other officers as the board may deem advisable or necessary. A majority of the members of the board shall constitute a quorum for the transaction of the business of the Trust Fund.

Section 5. In addition to the powers granted by any other provision of this act, the Board of Trustees shall have the powers necessary or convenient to carry out the purposes and provisions of this act, the purposes and objectives of the trust fund and the powers delegated by any other law or executive order including, but not limited to the following express powers:

(a) To adopt and amend bylaws;

(b) To adopt such rules and regulations as are necessary to implement the provisions of this act without compliance with the state administrative procedures statutes (Sections 41-22-1 through 41-22-27, Code of Alabama 1975, or any similar successor statute);

(c) To invest any funds of the trust fund in any instrument, obligation, security, or property determined appropriate by the board, and to name and use depositories for its investments and holdings;

(d) To execute contracts and other necessary instruments;

(e) To impose reasonable requirements, as determined by each college or university, for residency for qualified beneficiaries;

(f) To impose reasonable limits on the number of contract participants in the trust fund at any given period of time;

(g) To contract for necessary goods and services, to employ necessary personnel, and to engage the services of private persons for administrative and technical assistance in carrying out the responsibilities of the trust fund;

(h) To solicit and accept gifts, including bequeathments or other testamentary gifts made by will, trust or other disposition, grants, loans, and other aids from any personal source or to participate in any other way in any federal, state, or local governmental programs in carrying out the purposes of this act;

(i) To define the terms and conditions under which payments may be withdrawn from the trust fund and impose reasonable charges for such withdrawal;

(j) To impose reasonable time limits on the use of the tuition benefits provided by the program;

(k) To provide for the receipt of contributions to the trust fund in lump sums or installment payments;

(l) To establish other policies, procedures and criteria necessary to implement and administer the provisions of this act; and

(m) To administer excess funds for the benefit of qualified students admitted to or attending state colleges and universities by the provision of scholarships for said students.

As indicated in subsection (b) hereof, the board is hereby expressly exempt from the provisions of Sections 41-22-1 through 41-22-27, Code of Alabama 1975, or any similar subsequently enacted successor statute.

Section 6. (a) There is hereby created under the jurisdiction and control of the Board of Trustees the Alabama Prepaid College Tuition Trust Fund (hereinafter referred to as "the trust fund" or "the fund").

(b) The official location of the trust fund shall be the state treasurer's office, and the board shall use the facilities of the State Treasurer in the administration of the fund including but without limitation thereto, the keeping of records, the management of bank accounts and other investments, the transfer of funds, and the safekeeping of securities evidencing investments.

(c) Payments received by the board from purchasers on behalf of qualified beneficiaries or from any other source, public or private, shall be placed in the trust fund, and the fund may be divided into separate accounts as may be determined by the board.

(d) Assets of the trust fund may be invested in any instrument, obligation, security or property considered appropriate by the board and may be pooled for investment purposes with any other investment of the state

which is eligible for asset pooling. All interest and gains accruing to the trust fund shall increase the total funds available for the program. Any unexpended or unobligated funds remaining within the trust fund at the end of any given fiscal year shall remain therein and may be available for scholarships for the benefit of qualified students admitted to or attending state colleges and universities.

(e) The trust fund, through the board of trustees or its officer, employee or agent, is hereby specifically authorized to receive and deposit into the trust fund any gift of any nature, real or personal property, made by any individual by testamentary disposition, including, without limitation, any specific gift or bequeath made by will, trust or other disposition.

(f) The board shall obtain appropriate actuarial assistance to establish, maintain, and certify a fund sufficient to defray the obligation of the trust fund, and shall annually evaluate or cause to be evaluated, the actuarial soundness of the trust fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, it may adjust the terms of subsequent prepaid tuition contracts to ensure such soundness.

(g) The Alabama Prepaid Tuition Trust Fund Board is hereby created as a body corporate with all the powers of a body corporate for the purposes delineated in this act and shall independently exercise the powers and duties authorized therein. The Alabama Prepaid Tuition Trust Fund shall be administered by the board as an agency of the state and its property and income shall be exempt from all taxation by this state and all of its political subdivisions.

(h) If there are insufficient numbers of purchasers to meet the obligations of the trust fund, the available assets of the trust fund attributable to the plan shall be immediately prorated among the then-existing contracts.

Section 7. (a) The board, or its authorized officer, agent or employee, is hereby authorized to contract with a purchaser for the lump sum or installment prepayment of tuition costs by the purchaser for a qualified beneficiary to attend any state college or university to which the qualified beneficiary is admitted, without further tuition costs or mandatory fees.

(b) The prepaid tuition contract shall include, but shall not be limited to, the following terms:

(1) The amount of the payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary;

(2) The terms and conditions under which purchasers shall remit payments, including, but not limited to, the date or dates upon which each payment shall be due;

(3) Provisions for late payment charges and for default;

(4) Provisions for withdrawal from the plan, including refunds and any penalty therefor;

(5) The name and date of birth of the qualified beneficiary on whose behalf the contract is drawn;

(6) Terms and conditions under which another person may be subsequently substituted for the qualified beneficiary originally named;

(7) The name of the person entitled to terminate the contract, and the terms and conditions under which a contract may be terminated, and the

name of the person entitled to any refund due as a result of termination of the contract.

(8) The period of time during which the qualified beneficiary must claim benefits through the program;

(9) The number of credit hours contracted by the purchaser necessary for the granting of a four-year completed baccalaureate degree;

(10) All other rights and obligations of the purchaser and the trust; and

(11) Such other terms, conditions and provisions as the board considers in its sole discretion to be necessary or appropriate.

(c) In the event a qualified beneficiary elects not to attend a state college or university, and is accepted by any other institution of higher learning, the board may, in its discretion, upon receipt of evidence of admission to said outside institution of higher learning, remit on a quarterly, semester, or term basis as appropriate, an outside tuition fee amount pursuant to the terms of the contract.

(d) A prepaid tuition contract shall also specifically provide that, if after a specified period of time, the contract has not been terminated nor the qualified beneficiary's rights under the contract exercised, the board, after making reasonable effort to locate the purchaser and qualified beneficiary or the agent of either, shall retain the amounts otherwise payable and the rights of the qualified beneficiary, the purchaser or the agent of either shall be considered terminated.

(e) Nothing in this act nor in a prepaid tuition contract entered into pursuant to this act, shall be construed as a promise or guarantee by the board or the state that: a person shall be admitted to a state college or university or to a particular college or university; or that a person shall be allowed to continue to attend a state college or university after having been admitted; or that a person shall be graduated from a state college or university.

(f) The state or any state agency, or any county, or municipality, or any other employer in the state is hereby authorized, by contract, or otherwise, to agree with any employee to remit payments toward prepaid tuition contracts through payroll deduction made by the appropriate official of the state, state agency, political subdivision, or other employer under the terms of an accepted prepaid tuition contract.

Section 8. In addition to any other requirements of this act, the board of trustees shall:

(a) Make available summary information on the financial condition of the trust fund to all purchasers of prepaid tuition contracts;

(b) Prepare, or cause to be prepared, an annual accounting of the trust fund and transmit a copy of same to the Governor, the Lieutenant Governor and the Speaker of the House of Representatives; and

(c) Make all necessary and appropriate arrangements with state colleges and universities in order to fulfill its obligations under the prepaid tuition contracts, which arrangements shall include the payment by the trust fund of current applicable tuition and fee charges on behalf of a qualified beneficiary to the college or university.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Drinkard, said substitute was laid on the table.

Senator Drinkard then offered the following substitute for the Bill, H. B. 445, to-wit:

SUBSTITUTE FOR H. B. 445

**A BILL
TO BE ENTITLED
AN ACT**

To create the Wallace-Folsom Prepaid College Tuition Trust Fund (the Fund) and a board of trustees (the board) to administer the fund and implement the provisions of this act; to declare legislative intent; to name this act the "Wallace-Folsom Prepaid College Tuition Act"; to provide definitions; to provide for the membership, terms of office, qualifications, reimbursement, meetings, powers, duties and responsibilities of the board of trustees of the trust fund; to grant broad powers necessary to implement this act; to authorize investments by the board; to provide for the location and administration of the trust fund; to authorize prepaid college tuition contracts between the board and individuals for the benefit of qualified beneficiaries in order to receive college or university education; to provide for the terms of such contracts and the rights of parties to such contracts; to provide for payroll deductions for such contracts; to provide for certain specific requirements of the board; and to make a supplemental appropriation to the state treasurer's office for the purpose of implementing the provisions of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislative intent of this act is to establish an educational trust fund through which many of the costs associated with attending a state college or university may be paid in advance for the full term of undergraduate enrollment. In establishing the trust fund, it is the intent of the legislature to encourage timely financial planning for higher education by the creation of prepaid tuition contracts and to encourage employer participation in such planning, and to provide assistance and incentives for the purchase of prepaid tuition contracts for the benefit of the children of the people of this state.

Section 2. This act shall be known as the "Wallace-Folsom Prepaid College Tuition Act."

Section 3. The following terms shall have the meanings ascribed to them, unless the context clearly indicates otherwise:

(a) Prepaid Tuition Contract. A contract entered into by the board of trustees of the trust fund and a purchaser pursuant to this act.

(b) Trust Fund. The Wallace-Folsom Prepaid College Tuition Trust Fund created pursuant to Section 6 of this act.

(c) Purchaser. A person who makes or is obligated to make advance payments in accordance with a prepaid tuition contract entered into pursuant to this act.

(d) **Qualified Beneficiary.** A resident of this state at the time a purchaser enters into a prepaid tuition contract on behalf of the resident.

(e) **State College, University.** Any state supported public two or four year college or university.

(f) **Tuition.** The quarter, semester or term charges imposed by a state college or university and all mandatory fees required as a condition of enrollment.

(g) **Board.** The Board of Trustees of the Wallace-Folsom Prepaid College Tuition Trust Fund as provided in Section 4 hereof.

(h) **Outside Tuition Fee.** The amount of tuition and/or fees payable to a college or university outside the state or independent institutions upon the election by a beneficiary to attend such institution. This fee shall generally be the amount of the average tuition costs and/or fees of state institutions of higher learning as determined by the board of Trustees on an annual basis.

Section 4. (a) The Board of Trustees of the Wallace-Folsom Prepaid College Tuition Trust Fund shall consist of nine (9) members as follows:

The Executive Director of the Alabama Commission on Higher Education (ACHE), a representative of the Council of College and University Presidents, the Treasurer of the State of Alabama, The Chancellor of the Alabama Department of Postsecondary Education, each of whom shall serve ex officio; one (1) person appointed by the Speaker of the House of Representatives, and one (1) person appointed by the Lieutenant Governor, for initial terms of office of two (2) years each; one person appointed by the Treasurer for an initial term of office of three (3) years; and two (2) persons appointed by the Governor for an initial term of office of four (4) years. Successors to the appointed members shall serve for terms of office of four years and shall be eligible for reappointment, and shall serve until a successor is appointed. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term.

(b) Each trustee appointed shall possess knowledge, skill, and experience in business or financial matters commensurate with the duties and responsibilities of the trust fund; provided, however, that no person holding a full-time office or position of employment with the state, any county or municipality in the state, any educational institution, or any instrumentality, agency or subdivision of the foregoing, shall be eligible for appointment to the board.

(c) Members of the Board of Trustees shall serve without compensation, but shall be reimbursed for each day's official duties of the board at the same per diem and travel rate as is paid the employees of the state.

(d) The State Treasurer shall be the chairman and presiding officer of the board, and the board may appoint such other officers as the board may deem advisable or necessary. A majority of the members of the board shall constitute a quorum for the transaction of the business of the Trust Fund.

Section 5. In addition to the powers granted by any other provision of this act, the Board of Trustees shall have the powers necessary or convenient to carry out the purposes and provisions of this act, the purposes and objectives of the trust fund and the powers delegated by any other law or executive order including, but not limited to the following express powers:

(a) To adopt and amend bylaws;

(b) To adopt such rules and regulations as are necessary to implement the provisions of this act without compliance with the state administrative procedures statutes (Sections 41-22-1 through 41-22-27, Code of Alabama 1975, or any similar successor statute);

(c) To invest any funds of the trust fund in any instrument, obligation, security, or property determined appropriate by the board, and to name and use depositories for its investments and holdings;

(d) To execute contracts and other necessary instruments;

(e) To impose reasonable requirements, as determined by each college or university, for residency for qualified beneficiaries;

(f) To impose reasonable limits on the number of contract participants in the trust fund at any given period of time;

(g) To contract for necessary goods and services, to employ necessary personnel, and to engage the services of private persons for administrative and technical assistance in carrying out the responsibilities of the trust fund;

(h) To solicit and accept gifts, including bequeathments or other testamentary gifts made by will, trust or other disposition, grants, loans, and other aids from any personal source or to participate in any other way in any federal, state, or local governmental programs in carrying out the purposes of this act;

(i) To define the terms and conditions under which payments may be withdrawn from the trust fund and impose reasonable charges for such withdrawal;

(j) To impose reasonable time limits on the use of the tuition benefits provided by the program;

(k) To provide for the receipt of contributions to the trust fund in lump sums or installment payments;

(l) To establish other policies, procedures and criteria necessary to implement and administer the provisions of this act; and

(m) To administer excess funds for the benefit of qualified students admitted to or attending state colleges and universities by the provision of scholarships for said students.

As indicated in subsection (b) hereof, the board is hereby expressly exempt from the provisions of Sections 41-22-1 through 41-22-27, Code of Alabama 1975, or any similar subsequently enacted successor statute.

Section 6. (a) There is hereby created under the jurisdiction and control of the Board of Trustees the Wallace-Folsom Prepaid College Tuition Trust Fund (hereinafter referred to as "the trust fund" or "the fund").

(b) The official location of the trust fund shall be the state treasurer's office, and the board shall use the facilities of the State Treasurer in the administration of the fund including but without limitation thereto, the keeping of records, the management of bank accounts and other investments, the transfer of funds, and the safekeeping of securities evidencing investments.

(c) Payments received by the board from purchasers on behalf of qualified beneficiaries or from any other source, public or private, shall be placed in

the trust fund, and the fund may be divided into separate accounts as may be determined by the board.

(d) Assets of the trust fund may be invested in any instrument, obligation, security or property considered appropriate by the board and may be pooled for investment purposes with any other investment of the state which is eligible for asset pooling. All interest and gains accruing to the trust fund shall increase the total funds available for the program. Any unexpended or unobligated funds remaining within the trust fund at the end of any given fiscal year shall remain therein and may be available for scholarships for the benefit of qualified students admitted to or attending state colleges and universities.

(e) The trust fund, through the board of trustees or its officer, employee or agent, is hereby specifically authorized to receive and deposit into the trust fund any gift of any nature, real or personal property, made by any individual by testamentary disposition, including, without limitation, any specific gift or bequeath made by will, trust or other disposition.

(f) The board shall obtain appropriate actuarial assistance to establish, maintain, and certify a fund sufficient to defray the obligation of the trust fund, and shall annually evaluate or cause to be evaluated, the actuarial soundness of the trust fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, it may adjust the terms of subsequent prepaid tuition contracts to ensure such soundness.

(g) The Wallace-Folsom Prepaid Tuition Trust Fund Board is hereby created as a body corporate with all the powers of a body corporate for the purposes delineated in this act and shall independently exercise the powers and duties authorized therein. The Wallace-Folsom Prepaid Tuition Trust Fund shall be administered by the board as an agency of the state and its property and income shall be exempt from all taxation by this state and all of its political subdivisions.

(h) If there are insufficient numbers of purchasers to meet the obligations of the trust fund, the available assets of the trust fund attributable to the plan shall be immediately prorated among the then-existing contracts.

Section 7. (a) The board, or its authorized officer, agent or employee, is hereby authorized to contract with a purchaser for the lump sum or installment prepayment of tuition costs by the purchaser for a qualified beneficiary to attend any state college or university to which the qualified beneficiary is admitted, without further tuition costs or mandatory fees.

(b) The prepaid tuition contract shall include, but shall not be limited to, the following terms:

(1) The amount of the payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary;

(2) The terms and conditions under which purchasers shall remit payments, including, but not limited to, the date or dates upon which each payment shall be due;

(3) Provisions for late payment charges and for default;

(4) Provisions for withdrawal from the plan, including refunds and any penalty therefor;

(5) The name and date of birth of the qualified beneficiary on whose behalf the contract is drawn;

(6) Terms and conditions under which another person may be subsequently substituted for the qualified beneficiary originally named;

(7) The name of the person entitled to terminate the contract, and the terms and conditions under which a contract may be terminated, and the name of the person entitled to any refund due as a result of termination of the contract;

(8) The period of time during which the qualified beneficiary must claim benefits through the program;

(9) The number of credit hours contracted by the purchaser necessary for the granting of a four-year completed baccalaureate degree;

(10) All other rights and obligations of the purchaser and the trust; and

(11) Such other terms, conditions and provisions as the board considers in its sole discretion to be necessary or appropriate.

(c) In the event a qualified beneficiary elects not to attend a state college or university, and is accepted by any other institution of higher learning, the board may, in its discretion, upon receipt of evidence of admission to said outside institution of higher learning, remit on a quarterly, semester, or term basis as appropriate, an outside tuition fee amount pursuant to the terms of the contract.

(d) A prepaid tuition contract shall also specifically provide that, if after a specified period of time, the contract has not been terminated nor the qualified beneficiary's rights under the contract exercised, the board, after making reasonable effort to locate the purchaser and qualified beneficiary or the agent of either, shall retain the amounts otherwise payable and the rights of the qualified beneficiary, the purchaser or the agent of either shall be considered terminated.

(e) Nothing in this act nor in a prepaid tuition contract entered into pursuant to this act, shall be construed as a promise or guarantee by the board or the state that: a person shall be admitted to a state college or university or to a particular college or university; or that a person shall be allowed to continue to attend a state college or university after having been admitted; or that a person shall be graduated from a state college or university.

(f) The state or any state agency, or any county, or municipality, or any other employer in the state is hereby authorized, by contract, or otherwise, to agree with any employee to remit payments toward prepaid tuition contracts through payroll deduction made by the appropriate official of the state, state agency, political subdivision, or other employer under the terms of an accepted prepaid tuition contract.

Section 8. In addition to any other requirements of this act, the board of trustees shall:

(a) Make available summary information on the financial condition of the trust fund to all purchasers of prepaid tuition contracts;

(b) Prepare, or cause to be prepared, an annual accounting of the trust fund and transmit a copy of same to the Governor, the Lieutenant Governor and the Speaker of the House of Representatives; and

(c) Make all necessary and appropriate arrangements with state colleges and universities in order to fulfill its obligations under the prepaid tuition

contracts, which arrangements shall include the payment by the trust fund of current applicable tuition and fee charges on behalf of a qualified beneficiary to the college or university.

Section 9. Upon the passage of this act and upon the passage of H. B. 446 of the 1989 Regular Session, \$500,000 is hereby appropriated from the state general fund to the state treasurer's office for the fiscal year ending September 30, 1990, for the implementation of the Wallace-Folsom Prepaid College Tuition Trust Fund Act. Such appropriation shall be supplemental to any and all other appropriations heretofore or hereafter made to the state treasurer's office.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Amari	Covington	Goodwin	Preuitt	
Barron	deGraffenried	Hale	Sanders	
Bedsole	Dial	Hand	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Cabaniss	Drinkard	Manley	Windom	
Campbell	Ellis			—25

Nays: —0

On motion of Senator Drinkard, further consideration of the Bill, H. B. 445, as thus amended by the substitute, was postponed subject to the call of the Chair.

Senator Amari requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 556. To amend Sections 41-9-741, 41-9-742 and 41-9-744 of the Code of Alabama 1975, relating to the Alabama Senior Citizens Hall of Fame, so as to provide further for the membership, election of new members and meetings of such Hall of Fame.

And said Bill, S. B. 556, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Smith (B)	
Barron	Denton	Hand	Smith (J)	
Bennett	Dixon	Horn	Windom	
Cabaniss	Ellis	Langford		—22

Nays: —0

FURTHER CONSIDERATION OF H. B. 445

The Senate proceeded to further consideration of the Bill, H. B. 445, as amended.

And said Bill, H. B. 445, as amended, by the substitute, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Smith (B)	
Barron	Denton	Hand	Smith (J)	
Bennett	Dixon	Horn	Windom	
Cabaniss	Ellis	Langford		—22

Nays: —0

BILLS ON THIRD READING RESUMED

Senator Campbell requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 497. To amend §§16-25-3 and 36-27-4, Code of Alabama 1975, which prohibits participation in the Teachers' or Employees' Retirement System of Alabama by persons age 61 or older; to further provide that a member of the Teachers' Retirement System or the Employees' Retirement System who was prohibited from participating in his respective retirement system because such member was age 61 or older at the time of employment may purchase credit for such service.

And said Bill, H. B. 497, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Smith (B)	
Barron	Denton	Hand	Smith (J)	
Bennett	Dixon	Horn	Windom	
Cabaniss	Ellis	Langford		—22

Nays: —0

Senator Foshee requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 422. To amend Section 36-26-36 and Section 36-26-36.1 of the Code of Alabama 1975, as amended by Act No. 88-904 of the First Special Session of 1988, relating to sick leave for state employees, so as to provide further for the accumulation and use of such sick leave and to provide for certain retroactive effect.

And said Bill, S. B. 422, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Smith (B)	
Barron	Denton	Hand	Smith (J)	
Bennett	Dixon	Horn	Windom	
Cabaniss	Ellis	Langford		—22

Nays: —0

Senator Goodwin requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 600. To provide for the keeping of records by junk dealers, scrap metal dealers, and scrap metal processors of all purchases of copper, aluminum, brass and other scrap metals or junk and to provide that such records shall be subject to inspection by duly authorized law enforcement officers.

And said Bill, S. B. 600, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Smith (B)	
Barron	Denton	Hand	Smith (J)	
Bennett	Dixon	Horn	Windom	
Cabaniss	Ellis	Langford		—22

Nays: —0

Senator Langford requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 1005. To amend Sections 40-23-2 and 40-23-61 of the Code of Alabama 1975 so as to provide for the taxation of materials and supplies used for mobile home set-up at the rate of 2%.

On motion of Senator Langford, further consideration of the Bill, H. B. 1005, was postponed subject to the call of the Chair.

RULE 35 SUSPENDED

On motion of Senator Foshee, the provisions of Rule 35 were suspended to allow transmittal to the House of the Bill, S. B. 422.

BILLS ON THIRD READING RESUMED

Senator Langford requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 552. To create a continuing permanent municipal government committee of the legislature and to provide for the composition, membership, term, duties, administration and compensation of the committee.

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And said Bill, S. B. 552, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Smith (B)	
Barron	Denton	Hand	Smith (J)	
Bennett	Dixon	Horn	Windom	
Cabaniss	Ellis	Langford		—22

Nays: —0

Senator Hale requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 248. To provide that where a bond is required for persons to be licensed or permitted by the Commissioner or Board of Agriculture and Industries a bond equivalent may be substituted in lieu thereof; that said bond equivalent shall be limited to cash bonds or irrevocable letters of credit and that said bond equivalent shall comply in all aspects with the requirements for a bond; that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to adopt rules and regulations to carry out the provisions of this Act.

And said Bill, H. B. 248, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Smith (B)	
Barron	Denton	Hand	Smith (J)	
Bennett	Dixon	Horn	Windom	
Cabaniss	Ellis	Langford		—22

Nays: —0

Senator Horn requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 698. To appropriate the sum of \$260,000 from the Alabama Special Educational Trust Fund to the Department of Postsecondary Education for the fiscal year ending September 30, 1989.

And said Bill, H. B. 698, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Smith (B)	
Barron	Denton	Hand	Smith (J)	
Bennett	Dixon	Horn	Windom	
Cabaniss	Ellis	Langford		—22

Nays: —0

Senator Bennett requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 81. To amend Section 16-13-13, Code of Alabama 1975, pertaining to classroom instructional supplies, material and equipment, excluding furniture and fixtures so as to require that funds expended for said instructional supplies shall be spent only for said purpose except during years of declared proration, and if proration is declared and subsequently lifted or removed, then funds for such instructional supplies must be spent as appropriated.

And said Bill, H. B. 81, was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Amari	Corbett	Foshee	Mitchem	
Bailey	Covington	Hale	Preuitt	
Barron	deGraffenried	Hand	Sanders	
Bedford	Denton	Holmes	Smith (B)	
Bedsole	Dial	Horn	Smith (J)	
Bennett	Dixon	Langford	Windom	
Cabaniss				—28

Nays:

—0

Senator Bedford requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 394. To authorize municipalities to adopt a procedure for the issuance of a summons and complaint for violations of certain municipal ordinances, to provide for dispositions of such violations, and to establish additional penalties for offenders failing to appear in court.

And said Bill, S. B. 394, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 28; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Amari	Corbett	Foshee	Mitchem	
Bailey	Covington	Hale	Preuitt	
Barron	deGraffenried	Hand	Sanders	
Bedford	Denton	Holmes	Smith (B)	
Bedsole	Dial	Horn	Smith (J)	
Bennett	Dixon	Langford	Windom	
Cabaniss				—28

Nays:

—0

THE BILL:

H. 54. To create the Flexible Employee Benefits Board and to provide that such board, with the approval of the Governor, may establish a flexible benefit plan for State employees that will constitute a "Cafeteria Plan" under the Internal Revenue Code of 1986, as amended (Section 125 and any other applicable sections), that will provide employees a means of providing themselves medical and other benefits in a tax-effective manner by allowing employees a choice between cash and qualified benefits.

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was taken up.

And said Bill, H. B. 54, was read a third time at length and passed.

Yeas 28; Nays 0.

Abstaining 1.

Yeas:

Senators:	Campbell	Figures	Langford	
Amari	Corbett	Foshee	Manley	
Bailey	Covington	Goodwin	Mitchem	
Barron	deGraffenried	Hale	Preuitt	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Horn	Smith (J)	
Cabaniss				—28

Nays: —0

Abstaining: Senator Windom —1

Senator Dial requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 401. Proposing an amendment to the Constitution of Alabama of 1901 designating English the official language of the state of Alabama.

And said Bill, H. B. 401, was read a third time at length as required by the Constitution and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Mitchem	
Bailey	Covington	Hale	Preuitt	
Barron	deGraffenried	Hand	Sanders	
Bedford	Denton	Holmes	Smith (B)	
Bedsole	Dial	Horn	Smith (J)	
Bennett	Dixon	Langford	Windom	
Cabaniss	Figures			—29

Nays: —0

Senator Hand requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 100. To permit the use of blood test for intoxication in cases of death or serious physical injury and provides penalties for non-compliance.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 100, to-wit:

AMENDMENT TO S. B. 100

Amend Senate Bill 100, Page 1, Line 25, after the word "person" insert "under lawful arrest"

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Mitchem	
Bailey	Covington	Hale	Preuitt	
Barron	deGraffenried	Hand	Sanders	
Bedford	Denton	Holmes	Smith (B)	
Bedsole	Dial	Horn	Smith (J)	
Bennett	Dixon	Langford	Windom	
Cabaniss	Figures			—29

Nays: —0

And said Bill, S. B. 100, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 29; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Mitchem	
Bailey	Covington	Hale	Preuitt	
Barron	deGraffenried	Hand	Sanders	
Bedford	Denton	Holmes	Smith (B)	
Bedsole	Dial	Horn	Smith (J)	
Bennett	Dixon	Langford	Windom	
Cabaniss	Figures			—29

Nays: —0

Senator Barron requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 479. To amend Sections 24-1A-5 and 24-1A-9 of the Code of Alabama 1975, relating to the powers of Alabama Housing Finance Authority and to the limitation on issuance of certain bonds by Alabama Housing Finance Authority, so as to provide further for such powers and such limitation on issuance.

And said Bill, H. B. 479, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Mitchem	
Bailey	Covington	Hale	Preuitt	
Barron	deGraffenried	Hand	Sanders	
Bedford	Denton	Holmes	Smith (B)	
Bedsole	Dial	Horn	Smith (J)	
Bennett	Dixon	Langford	Windom	
Cabaniss	Figures			—29

Nays: —0

Senator Manley requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 63. To declare that all conveyances and vehicles of transportation, including trailers and semi-trailers, horses, or any other equipment, together

with all harness or other accessories used in the perpetration of livestock theft, be contraband and forfeited to the State Department of Agriculture and Industries; to allow Livestock Theft Investigators and other officers to seize property used in the perpetration of livestock theft and report said seizure to the District Attorney; to request that the District Attorney institute condemnation proceedings against property in the same manner as condemnation proceedings against property used to transport illegal alcoholic beverages; to require that the proceeds from the sale of such property be paid into the state agricultural fund; to allow lienholders with a perfected security interest under the Uniform Commercial Code to recover the property after payment of expenses.

And said Bill, H. B. 63, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley
Amari	Corbett	Goodwin	Mitchem
Bailey	Covington	Hale	Preuitt
Barron	deGraffenried	Hand	Sanders
Bedford	Denton	Holmes	Smith (B)
Bedsole	Dial	Horn	Smith (J)
Bennett	Dixon	Langford	Windom
Cabaniss	Figures		

—29

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 480. Relating to competitive bidding on public contracts and public works; amending further section 41-16-57, Code of Alabama 1975, relating to preference being given to Alabama commodities or firms, so as to proscribe specifying the use of materials or systems by a sole source except in certain instances; amending further sections 41-16-51 and 39-2-1, Code of Alabama 1975, providing that contracts entered into in violation of certain statutes shall be void, so as to provide that certain violations will be Class C felonies.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 480, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 480

Amend S. B. 480 as follows:

In the title on page one, line 23, delete the present Code Section 39-2-1 and insert in lieu thereof Code Section "39-2-2".

Yeas 29; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Mitchem	
Bailey	Covington	Hale	Preuitt	
Barron	deGraffenried	Hand	Sanders	
Bedford	Denton	Holmes	Smith (B)	
Bedsole	Dial	Horn	Smith (J)	
Bennett	Dixon	Langford	Windom	
Cabaniss	Figures			—29

Nays: —0

BILLS ON THIRD READING RESUMED

Senator Preuitt requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 946. To amend Section 16-33-4 of the Code of Alabama 1975, relating to benefits for dependents of blind parents, so as to provide further for such benefits.

And said Bill, H. B. 946, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Mitchem	
Bailey	Covington	Hale	Preuitt	
Barron	deGraffenried	Hand	Sanders	
Bedford	Denton	Holmes	Smith (B)	
Bedsole	Dial	Horn	Smith (J)	
Bennett	Dixon	Langford	Windom	
Cabaniss	Figures			—29

Nays: —0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 230. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-seventh legislative day of the 1989 Regular Session only:

<u>Inst Id</u>	<u>Page</u>
S. 360	29

Probate judge, min. comp. incr.

On motion of Senator Drinkard said Resolution was adopted by the Senate.

SPECIAL ORDER
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

S. 360. To provide for a minimum salary for certain probate judges.

And said Bill, S. B. 360, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21; Nays 3.

Yeas:

Senators:	Corbett	Foshee	Manley	
Bailey	Covington	Goodwin	Mitchem	
Bedford	deGraffenried	Hale	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Drinkard	Langford	Smith (J)	
Cabaniss	Figures			—21

Nays:

Senators:	Dial	Dixon	Windom	—3
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On motion of Senator Goodwin, the provisions of Rule 35 were suspended to allow transmittal to the House of the Bill, S. B. 360.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 187. To amend sections 26-16-30 and 26-16-32, Code of Alabama 1975, relating to the Children's Trust Fund, so as to provide further for the administration of the Fund through the establishment of the Child Abuse and Neglect Prevention Board Operations Fund.

Also:

S. 220. To amend Section 33-4-48, Code of Alabama 1975, which provides for the compensation of bar pilots, so as to provide further for such compensation.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 368. To require disclosure of the use and identification of nonoriginal equipment manufacturer after market crash parts.

Also:

S. 419. To amend Section 12-17-61, Code of Alabama 1975, which provides for the number of district court judges, so as to provide three

district court judges for Madison County; to provide for the time of establishment of such judgeship No. 3; and to provide for the election of such additional district judge.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 20. To amend Sections 34-8-1 and 34-8-7, Code of Alabama 1975, to include certain swimming pool contractors in the definition of "general contractor" found within Title 34, Chapter 8, Code of Alabama 1975, and to exclude certain swimming pool contractors from the exemptions found within Section 34-8-7, Code of Alabama 1975.

Also:

S. 72. To amend §2-27-11, Code of Alabama (1975), which provides for issuance of permits to purchase restricted use pesticides; to delete the requirement that said permits list the restricted use pesticides authorized to be purchased by the permit holder.

Also:

S. 83. To amend Section 37-4-116 of the Code of Alabama 1975, relating to fees for inspection and supervision of radio utilities, so as to provide further for such fees and to provide for payment on a quarterly basis.

Also:

S. 191. To authorize the Alabama Medicaid Agency to contract with a central source, for the procurement of prescription eyewear for qualified sight impaired Medicaid recipients, for periods not to exceed three years.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 27. To amend section 39-1-1, Code of Alabama 1975, which requires bonds from persons contracting with the state or political subdivisions thereof for public works, so as to alter said bonding requirements.

Also:

S. 31. To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

Also:

S. 32. Proposing an amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within

this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection and assessment programs to be repealed, replaced or superceded; all depending upon ratification by the voters of this amendment.

JOHN W. PEMBERTON,
Clerk.

MOTION TO ADJOURN RECONSIDERED

On motion of Senator Manley the Senate reconsidered the vote by which the motion to adjourn until 12:01 A.M. was adopted.

Senator Manley then moved that when the Senate adjourns today, it adjourn to meet again on Thursday, May 4, 1989, at 10 o'clock A.M., which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1014. Proposing an amendment to the Constitution of Alabama of 1901, providing for fire protection districts in Calhoun County and the financing of such districts through the levy and collection of additional property taxes in such districts.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills and House Joint Resolution, your signature thereto is requested.

H. 147. This bill amends Sections 11-51-201, 11-51-203, 40-12-4, 40-23-101, 40-23-102, 40-23-104, 40-23-107 and 40-29-115, Code of Alabama 1975, which relates to the collection of certain sales and use taxes, so as to provide that the county tax collector shall collect municipal gross receipts or sales taxes and county sales taxes on sales made by a person or firm other than a licensed dealer of any automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer required to be registered or licensed with the probate judge, authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location; to require the county tax collector to collect the municipal and county use

taxes authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location, on sales of the aforesaid vehicles made by dealers doing business outside the state of Alabama and on sales made by licensed Alabama dealers where municipal and county sales taxes were not collected at the time of purchase; to provide procedures to be used in the collection of said taxes; to provide for the distribution of revenues collected hereunder; to provide for a fee to be paid to the tax collector for such services; and to provide penalties for noncompliance.

Also:

H. 605. To amend Act No. 952, H. 8, 1988 Second Special Session, which levies a state privilege tax on pari-mutuel pools, so as to provide remedial clarification regarding the intended pari-mutuel pools at the Mobile Greyhound Park subject to taxation under Act 88-952, and to provide that the amendments herein provided shall have a retroactive effect to October 30, 1988.

Also:

H. 616. Providing for a certain conditional appropriation from the state general fund to Senior Citizens Services, Incorporated for the 1989-90 fiscal year.

Also:

H. 751. Relating to the governing body of Jefferson County, Alabama; to authorize the Jefferson County Commission to employ administrative assistants, confidential secretaries and to set their compensation; to exempt such positions from any merit system and to provide other employment benefits.

Also:

H. 857. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Also:

H. 866. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city and to provide for a referendum.

Also:

H. 966. This bill establishes an expense allowance for the sheriff of Jefferson County, Alabama, and provides that this act shall begin immediately and at the beginning of each term of office of said sheriff thereafter; including manner in which said allowance will be paid.

Also:

H. 1059. Relating to Mobile County and the practice of barbering; amending Sections 8 and 14 of Act No. 678, H. 1364 of the 1961 Regular Session entitled "An Act Regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof

in all counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census," (1961 Acts, p. 940), relating to renewal of licenses and fees charged and collected by the Board of Barber Commissioners so as to provide further for requirements for license renewals and fees to be charged and collected by the said board.

Also:

H. 1021. Relating to Walker County; amending Sections 6 and 14 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263) as amended, relating to the county civil service system, so as to provide further for the compensation of the members of the civil service board; and to provide for electronically recorded hearings and for transcripts.

Also:

H. 1023. Relating to portions of Morgan County, to authorize the county governing body to levy an additional ad valorem tax, to provide said tax shall be subject to voter approval at a referendum, to provide for the collection and administration of said tax, to provide for the distribution of funds derived from said tax to volunteer fire departments and certain emergency medical technicians, to establish certain standards for eligible volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department and to provide that the county shall be immune from certain liability.

Also:

H. 1024. Relating to Morgan County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Morgan County 2015 Commission"; to provide for the composition, officers and duties of the commission.

Also:

H. 1044. Relating to Marengo County; providing for a certain expense allowance and a certain mileage allowance for the coroner and specifically repealing Act No. 79-522, H. 397, approved July 30, 1979 (Acts 1979, p. 934), Act No. 81-71, H. 86, approved February 26, 1981 (Acts 1981, p. 94), and Act No. 85-895, H. 82, approved September 19, 1985 (Acts 1985, Second Special Session, p. 154).

Also:

H. 1050. Relating to Shelby County; approving an increase of the three mill countywide ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by seven mills to ten mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional seven mill tax to be levied and collected by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1989, to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2016, to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Shelby County at a special election called and held in accordance with the laws governing special elections.

Also:

H. 1057. Relating to Calhoun County, Alabama; to authorize Calhoun County in the furtherance of the public health, safety and general welfare of the citizens of the county to engage in arranging for fire hydrants on and along all water mains of appropriate diameter in unincorporated areas of Calhoun County; to authorize Calhoun County to negotiate and enter into agreements, with any entity or entities owning or maintaining water mains or systems, as may be necessary to allow fire hydrants to be provided pursuant to the provisions of this act; to provide for the county's responsibility in regard to fire hydrants provided pursuant to this act; to authorize Calhoun County to establish and maintain special funds for the purposes of providing such fire hydrants and for the inspection and maintenance of such fire hydrants; to allow the investment by the county of funds so as to generate adequate income for the continued inspection and maintenance of fire hydrants provided pursuant to this act; to authorize Calhoun County to set the amount required for the purchase and installation of a fire hydrant and the amount necessary to provide for the continued inspection and maintenance of a fire hydrant; to require a person or legal entity desiring a fire hydrant to pay the county the amounts set by the county commission for its purchase and installation and its inspection and maintenance; to provide that all entities now or in the future providing water or water services within the boundaries of Calhoun County be required to make all purchases, and to do all installations, maintenance and servicing of fire hydrants, provided under the provisions of this act, for their usual and customary charges for such purchases and services; to authorize Calhoun County to levy and collect an inspection and maintenance fee should such become necessary; to require municipalities which are formed or which annex land with fire hydrants into their corporate limits to assume full responsibility for the continued inspection and maintenance of fire hydrants within such annexed or newly incorporated areas, or to provide for the adequate assumption of such responsibility; and to provide that the furnishing of fire hydrants pursuant to this act is a governmental function and to exempt Calhoun County from all tort liability in connection with the providing of fire hydrants pursuant to this act.

Also:

H. 1053. Relating to the City of Jacksonville in Calhoun County, to amend Act 2182, H. 2753 of the 1971 Regular Session (Acts of 1971, p. 3489) as last amended, pertaining to the Jacksonville Civil Service System, so as to alter the compensation of board members; to provide for the board's annual budget; and to alter the number of persons on an eligible list from which the appointing authority may select.

Also:

H. 1020. Relating to Barbour County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

Also:

H. 1019. Relating to Calhoun County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide for the collection and disposition of a special indexing fee; and to provide said system shall constitute official and permanent records in Calhoun County.

Also:

H. 116. To further provide for the tax liability of certain retailers who rely on legally issued state tax exempt numbers when users violate the tax exempt privilege; to authorize the state department of revenue to collect the tax from the user of the tax exemption number and certain others; to specifically provide that certain retailers are exempt from the tax liability.

Also:

H. 608. To amend Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

Also:

H. J. R. 519. STATING THE CONSENSUS OF THE LEGISLATURE REGARDING THE TENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 616. This bill establishes an expense allowance for the sheriff of Jefferson County, Alabama, and provides that this act shall begin immediately and at the beginning of each term of office of said sheriff thereafter; including manner in which said allowance will be paid.

Also:

S. 637. Proposing an amendment to the Constitution of Alabama to restrict the levy and assessment of sales and use taxes in the City of Talladega, Talladega County and in the City of Childersberg, Talladega County.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

Senator Bedsole requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 74. To amend §2-27-9, which provides for registration of pesticides and for appealing the action of the Commissioner in refusing to register a

pesticide by increasing registration fees from \$15.00 per year to \$50.00 per year and to provide a delinquent penalty of \$50.00; to provide for registration of special local needs pesticides.

And said Bill, H. B. 74, was read a third time at length and passed.

Yeas 20; Nays 2.

Yeas:

Senators:	deGraffenried	Foshee	Mitchem	
Bailey	Denton	Hilliard	Parsons	
Bedsole	Dixon	Holmes	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Cabaniss	Ellis	Manley	Smith (J)	
Campbell				—20

Nays:

Senators:	Amari	Corbett		—2
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Senator Parsons requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 711. To exempt employees from paying any occupational tax or similar charge on any accrued vacation and sick leave.

And said Bill, S. B. 711 was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 1.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Amari	deGraffenried	Goodwin	Parsons	
Bailey	Denton	Hale	Sanders	
Bishop	Dixon	Holmes	Smith (B)	
Cabaniss	Drinkard	Langford	Smith (J)	
Campbell	Ellis	Manley		—22

Nay: Senator Hilliard —1

Senator deGraffenried requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 488. To require all persons born on or after October 1, 1973, and of 16 years of age or older to present certification of satisfactory completion of an approved hunter education course at the time of obtaining any annual or trip hunting license provided for in this chapter; to prohibit the issuance of any annual or trip hunting licenses to said persons without said certification; to prohibit hunting by persons born on or after October 1, 1973, and of 16 years of age or older pursuant to any lifetime Alabama hunting license without obtaining said certification; to prohibit the illegal or fraudulent obtaining of said certification; to allow promulgation of a license and/or certification revocation procedure; to allow the Department of Conservation and Natural Resources to prescribe a course of instruction and an instructor certification procedure, and to approve other courses; to provide penalties for violation of this act.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following substitute for the Bill, S. B. 488, to-wit:

SUBSTITUTE FOR S. B. 488

**A BILL
TO BE ENTITLED
AN ACT**

To require all persons born on or after October 1, 1974, and of 16 years of age or older to present certification of satisfactory completion of an approved hunter education course at the time of obtaining any annual or trip hunting license provided for in this chapter; to prohibit the issuance of any annual or trip hunting licenses to said persons without said certification; to prohibit hunting by persons born on or after October 1, 1974, and of 16 years of age or older pursuant to any lifetime Alabama hunting license without obtaining said certification; to prohibit the illegal or fraudulent obtaining of said certification; to allow promulgation of a license and/or certification revocation procedure; to allow the Department of Conservation and Natural Resources to prescribe a course of instruction and an instructor certification procedure, and to approve other courses; to provide penalties for violation of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1.

(a) It shall be unlawful for any person born on or after October 1, 1974 and of 16 years of age or older, or his agent, to procure any annual or trip hunting license provided for in this chapter unless said person has been issued and exhibits to the issuing agent at the time of purchasing any annual or trip hunting license, a certification of satisfactory completion by said person of a hunter education course approved by the Department of Conservation and Natural Resources.

(b) It shall be unlawful for any person authorized to issue hunting licenses in this state to issue any annual or trip hunting license provided for in this chapter to any person born on or after October 1, 1974, or his agent, unless that license agent shall have been provided with a certification of satisfactory completion by said person of a hunter education course approved by the Department of Conservation and Natural Resources.

(c) It shall be unlawful for any person born on or after October 1, 1974 of 16 years of age or older to hunt in the State of Alabama pursuant to any Alabama lifetime hunting or Alabama lifetime hunting and fishing license, without said person first obtaining a certification of satisfactory completion by said person of a hunter education course approved by the Department of Conservation and Natural Resources.

(d) It shall be unlawful for any person or his agent to wrongfully or fraudulently obtain said certification.

(e) The Commissioner of Conservation and Natural Resources is hereby authorized to provide by regulation the procedure whereby the Department may revoke or cancel any hunting license and/or hunter education certification upon determination that the holder thereof was not entitled to issuance or obtained said license or certification by any fraudulent means. Upon revocation or cancellation, the holder thereof shall surrender the license and/or certification to the Department of Conservation and Natural Resources.

(f) The Department of Conservation and Natural Resources, Division of Game and Fish, shall prescribe a course of instruction in competency and safety in hunting and in the handling of weapons. The Game and Fish Division shall also prescribe procedures whereby competent residents of this State shall be certified as hunter education instructors. The Division of Game and Fish shall also have the authority to approve hunter education courses from other jurisdictions.

(g) Any person violating any provision of this section shall be guilty of a Class B misdemeanor.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Which was adopted.

Yeas 33; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford	
Amari	Corbett	Foshee	Manley	
Bailey	Covington	Goodwin	Mitchem	
Barron	deGraffenried	Hale	Preuitt	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Hilliard	Smith (B)	
Bennett	Dixon	Holmes	Smith (J)	
Bishop	Drinkard	Horn	Windom	
Cabaniss	Ellis			—33

Nays: —0

And said Bill, S. B. 488, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 33; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford	
Amari	Corbett	Foshee	Manley	
Bailey	Covington	Goodwin	Mitchem	
Barron	deGraffenried	Hale	Preuitt	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Hilliard	Smith (B)	
Bennett	Dixon	Holmes	Smith (J)	
Bishop	Drinkard	Horn	Windom	
Cabaniss	Ellis			—33

Nays: —0

REGULAR SESSION
27th Day

2177

Senator Sanders requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 73. To amend Section 36-30-1 of the Code of Alabama 1975, relating to compensation for the death of peace officers and firemen so as to provide that the definition of peace officers shall include university police officers.

And said Bill, H. B. 73, was read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford
Amari	Corbett	Foshee	Manley
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Sanders
Bedsole	Dial	Hilliard	Smith (B)
Bennett	Dixon	Holmes	Smith (J)
Bishop	Drinkard	Horn	Windom
Cabaniss	Ellis		

—33

Nays: —0

Senator Langford requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 1006. To amend the state "casual" sales and use taxes levied under Sections 40-23-101 and 40-23-102 of the Code of Alabama 1975, as last amended by Act No. 867, H. 18 of the First Special Session 1988, to include any mobile home purchased other than at wholesale, from any person, firm or corporation which is not a licensed dealer engaged in selling mobile homes; to provide for the collection of said taxes; and to provide for the effective date.

And said Bill, H. B. 1006, was read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford
Amari	Corbett	Foshee	Manley
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Sanders
Bedsole	Dial	Hilliard	Smith (B)
Bennett	Dixon	Holmes	Smith (J)
Bishop	Drinkard	Horn	Windom
Cabaniss	Ellis		

—33

Nays: —0

THE BILL:

H. 121. To amend the following sections of Chapter 89A of Title 11 of the Code of Alabama 1975, relating to solid waste disposal authorities, for the following purposes: Section 11-89A-1, relating to legislative findings,

so as to take account of the possibility of joint incorporation of such authorities by two or more counties or municipalities; Section 11-89A-2 relating to definitions, so as to provide that the term "revenues" shall include the proceeds of any special tax to which an authority may be entitled and to add the definition of "special tax"; Sections 11-89A-3, 11-89A-4 and 11-89A-5, relating to filing of application for incorporation of an authority, authorization of incorporation of an authority by a governing body of a county or a municipality or any two or more thereof, contents, execution and filing of a certificate of incorporation, and procedure for amendments to certificates of incorporation; Section 11-89A-6, relating to the board of directors of an authority, so as to provide for election, terms of office, vacancies, qualifications, expenses and impeachment; Section 11-89A-8, relating to powers of an authority and location of facilities of an authority, so as to provide that the power of an authority to pledge for the payment of any bonds issued or assumed by the authority its revenues shall include the pledge of proceeds of any special tax to which such authority may be entitled and to provide that any facility or facilities of an authority may be located at such places, within or without the boundaries of its determining subdivisions, as it considers necessary or advisable, subject to the requirement that the governing body of any county or municipality other than a determining subdivision with respect to an authority must give its prior consent to the location in such county or municipality of any facility or facilities owned or operated by such authority in such county or municipality, and to provide that an authority shall not have the power to levy any taxes; Section 11-89A-9, relating to bonds of an authority, so as to make necessary changes in detail relating to the possibility of joint incorporation of an authority by two or more counties or municipalities; Section 11-89A-15, relating to cooperation, aid and agreements from and with other bodies, so as to provide that any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state may transfer to an authority the proceeds of any special tax which may be levied for the benefit of such authority or any facility owned or operated by such authority or the proceeds of which may have been appropriated, allocated or apportioned to such authority, or to or for the benefit of any such facility, by the Legislature or by the governing body of a county or municipality; Section 11-89A-19, relating to disposition of net earnings of an authority, so as to provide that net earnings of an authority may, in the discretion of its board of directors, be paid to one or more of its determining subdivisions; Section 11-89A-21, relating to dissolution of an authority and vesting of title to an authority's property upon such dissolution, so as to provide that upon dissolution of an authority, the title to all its property shall vest in one or more counties or municipalities in such manner and interests as may be provided in the authority's certificate of incorporation and that if such certificate of incorporation contains no provision respecting the vesting of title to the properties of the authority, title to all such property shall thereupon vest in its determining subdivisions as tenants in common; and to provide that the provisions of this act shall be severable.

was taken up.

And said Bill, H. B. 121, was read a third time at length and passed.

REGULAR SESSION
27th Day

2179

Yeas 33; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford
Amari	Corbett	Foshee	Manley
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Sanders
Bedsole	Dial	Hilliard	Smith (B)
Bennett	Dixon	Holmes	Smith (J)
Bishop	Drinkard	Horn	Windom
Cabaniss	Ellis		

—33

Nays: —0

Senator Ellis requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 518. Relating to the Teachers' Retirement System of Alabama, providing that any person employed in a circuit clerk's office may purchase credit for such service regardless of the manner in which such funds were paid or the source of such funds' providing for the cost of such credited service and providing for the expiration of this act.

And said Bill, H. B. 518, was read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford
Amari	Corbett	Foshee	Manley
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Sanders
Bedsole	Dial	Hilliard	Smith (B)
Bennett	Dixon	Holmes	Smith (J)
Bishop	Drinkard	Horn	Windom
Cabaniss	Ellis		

—33

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Campbell:

H. 90. To amend Section 40-18-19 of the Code of Alabama 1975, relating to retirement benefits being exempted from income taxes so as to provide further for the exemption of United States government retirement annuities and to amend Section 40-18-20 relating to military retirement benefits being exempted from income taxes so as to provide further for said exemption.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 90—to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 207. To allow part time legislative employees who work on a regular basis when the legislature of Alabama is in session to make an additional contribution into the State of Alabama Employees' Retirement System Fund for additional credit towards retirement.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 207, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 207

Amend Senate Bill 207 page 1, line 36 by striking out five (5) and inserting seven (7).

Yeas 33; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford
Amari	Corbett	Foshee	Manley
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Sanders
Bedsole	Dial	Hilliard	Smith (B)
Bennett	Dixon	Holmes	Smith (J)
Bishop	Drinkard	Horn	Windom
Cabaniss	Ellis		

—33

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mikell:

H. 268. To limit the amounts of judgments rendered against employees, officers, officials and servants of governmental entities as a result of acts

committed within the scope of their employment, and to limit such judgments to recovery for those acts involving willful or wanton conduct.

Also:

By Reps. Cosby and Kennedy:

H. 426. To amend Section 16-24-2, Code of Alabama 1975, relating to criteria for continuing service status for teachers, so as to prescribe the criteria for a teacher who after attaining continuing service status leaves said system and later returns to said system.

Also:

By Rep. Moon:

H. 489. To provide for participation of employees of regional and local legislative delegation offices in the state employees' retirement system.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 268—to the Committee on Judiciary

H. B. 426—to the Committee on Education

H. B. 489—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 117. To amend Section 29-2-41 of the Code of Alabama 1975, relating to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for such committee.

Also:

S. 217. To amend Section 41-23-22, Code of Alabama 1975, relating to the criteria and number of enterprise zones, so as to increase the authorized number from 25 to 27.

Also:

S. 441. Whenever any health insurance policy, contract, plan or agency certificate provides for reimbursement for any service which is within the lawful scope of practice of licensed registered nurses who have passed a national certification examination for the specialty practice of nurse anesthetist as recognized by the Alabama Board of Nursing, and said services are performed by a certified registered nurse anesthetist as recognized by the Alabama Board of Nursing, then the insured, or any other person covered by the policy, contract, or certificate shall be entitled to reimbursement and payment for such services performed by the Certified Registered Nurse

Anesthetist, and said Certified Registered Nurse Anesthetist shall be entitled to direct reimbursement by the insurer, unless the Certified Registered Nurse Anesthetist is employed by contract with a group practice of anesthesiologists or a hospital, then such services shall be reimbursed through the employer, and to provide that nothing in this act shall prohibit a licensed hospital from prescribing in its bylaws, policies, rules, or regulations, the qualifications, training, experience, scope of permissible activities, and level or degree of supervision required of any Certified Registered Nurse Anesthetist employed by or performing services in such hospital.

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 375. To create the Respiratory Care Act and to provide for definitions, qualifications, examination, and licensing of persons administering respiratory care and for waivers from examination and licensing; to provide for the powers, duties and responsibilities of the Alabama State Board of Respiratory Care; to provide for the appointment, term, qualification and meetings of the board; to create a special fund for receipts collected by the Board; to provide for the administration of said fund; to provide for issuance and renewal of licenses and temporary licenses; to provide for prohibited acts and penalties; to provide for fees; to provide for causes and procedures for disciplinary action; to prohibit false representation of licensure; to provide criminal penalties for certain violations; to provide for exemptions; and to provide for related matters.

BILL DRINKARD,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 308. Proposing the "Penny Trust Fund" amendment to the Constitution of Alabama to which citizens may make voluntary donations to be held in perpetuity and the earnings therefrom used for the promotion of the public health and the public schools.

Also:

S. 309. To implement the proposed "Penny Trust Fund" constitutional amendment as enacted by the 1989 regular session of the legislature or as may be enacted by any subsequent session of the legislature and ratified by the voters of Alabama; to provide for donations, gifts, bequests, taxes, division of proceeds, processing of donations, forms, and the promotion of the Fund.

Also:

S. 366. To authorize the Jefferson County Board of Health to adopt, and the Jefferson County Health Department to enforce, reasonable rules

and regulations concerning the operation of boarding and rooming homes in Jefferson County not licensed or regulated by the Alabama State Board of Health, which are operated on a weekly or longer basis for the care of persons who are unrelated to the owners or operators thereof; to authorize said County Board of Health to include in such regulations such provisions as it may deem necessary to safeguard the health and safety, and to prevent financial and physical abuse of persons served; to establish permit and inspection fees with respect to the enforcement of such regulations; to make the power and authority granted cumulative; to make the provisions of the act severable; to supersede all laws in conflict therewith to the extent of such conflict; and to establish an effective date of the Act.

Also:

S. 518. Relating to the Tenth Judicial Circuit, Jefferson County, Alabama, and the official court reporter; further amending the title and Sections 4 and 5 of Act No. 52, H. 18 of the Second Special Session, 1955 (Acts of 1955, p. 161), and as amended by Act No. 209, H. 698 of the Regular Session, 1955 (Acts of 1955, p. 514), providing for the said court reporters and the county compensation payable from county funds, so as to further provide therefor.

Also:

S. 614. Relating to Cullman County; to amend further Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), which act levies a sales and use tax in Cullman County and provides for the distribution and use of the tax proceeds, so as to remove a special, separate account established to receive such tax proceeds; to remove the bonding requirements of the custodian of public school funds of Cullman County; and to require the custodian of public school funds to deposit such tax revenues or proceeds into the general fund of the Cullman County school system.

Also:

S. 615. Relating to Cullman County; providing for the county commission on education to reimburse the office of the county superintendent of education for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county allocated for schools.

Also:

S. 656. Relating to Lawrence County; providing for the establishment of a system for assessment and collection of taxes and issuance of licenses under the supervision of elected county officials designated as county revenue commissioner and county license commissioner upon referendum approved by the electors of the county.

Also:

S. 661. Relating to Lawrence County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Lawrence County 2015 Commission"; to provide for the composition, officers and duties of the commission.

Also:

S. 662. Relating to Lawrence County, to increase certain court costs and provide for the distribution of the additional court costs.

Also:

S. 663. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780 of the 1986 Regular Session (Acts 1986, p. 595) relating to the salary and expense allowances of the county superintendent of education so as to provide further for such salary and allowances.

Also:

S. 687. To amend Act No. 82-693 passed by the Alabama Legislature and approved by the Governor (as amended by Act No. 84-454) which provides for the creation and establishment of the Shelby County Planning Commission, so as to further provide for membership, organization, authority and function of the Shelby County Planning Commission.

Also:

S. 691. Relating to Fayette County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Fayette County; and providing for a referendum.

Also:

S. 692. Relating to Macon County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

S. J. R. 156. DESIGNATING THE EASTERN TIGER SWALLOW-TAIL AS THE OFFICIAL MASCOT AND STATE BUTTERFLY FOR THE STATE OF ALABAMA.

Also:

S. J. R. 218. HONORING JOHN NED SHINES OF COALING, ALABAMA.

Also:

S. J. R. 220. DESIGNATING "MY HOME'S IN ALABAMA" AS THE OFFICIAL ALABAMA REUNION THEME SONG.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 631. To propose an amendment to the Constitution of Alabama 1901 for Lowndes County to provide further for filling vacancies in certain county offices.

Also:

S. 632. To propose an amendment to the Constitution of Alabama 1901 for Wilcox County to provide further for filling vacancies in certain county offices.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF H. B. 79

The Senate proceeded to further consideration of the Bill, H. B. 79. The question was on the substitute offered by Senator Corbett.

And said substitute was then adopted.

Yeas 33; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford	
Amari	Corbett	Foshee	Manley	
Bailey	Covington	Goodwin	Mitchem	
Barron	deGraffenried	Hale	Preuitt	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Hilliard	Smith (B)	
Bennett	Dixon	Holmes	Smith (J)	
Bishop	Drinkard	Horn	Windom	
Cabaniss	Ellis			—33

Nays: —0

And said Bill, H. B. 79, as thus amended by the substitute, was read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford	
Amari	Corbett	Foshee	Manley	
Bailey	Covington	Goodwin	Mitchem	
Barron	deGraffenried	Hale	Preuitt	
Bedford	Denton	Hand	Sanders	
Bedsole	Dial	Hilliard	Smith (B)	
Bennett	Dixon	Holmes	Smith (J)	
Bishop	Drinkard	Horn	Windom	
Cabaniss	Ellis			—33

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 21. Relating to elections; to provide that certain counties shall conduct and complete purges of their voter registration lists by a certain date; to create and establish a state Voter Registration Advisory Board; to establish, operate and maintain a statewide voter registration file under a Director of Voter Registration as a service to county boards of registrars to assist them in updating their voter lists; to prescribe penalties for violations and to provide that this act shall be supplemental to existing election laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Bennett, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 21, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 21

Amend S. B. 21 on page 5, Section 3, line 31 by adding after the word(s)
“at a reasonable charge”

the following:

and within 14 days of receipt of the request

and by adding on page 6, section 2, line 5, after the words “to no one else;”,
the following:

failure to furnish the requested voter registration list within 14 days
of receipt of request shall result in no charge to the requesting
entity and said cost shall be absorbed by the Director of Voter
Registration.

Further amend S. 21 as follows:

On page 7, line 3, after the word “list”, add the following:

Provided, however, that if a voter on the inactive list goes to his or
her polling place to vote on an election day and identifies himself or herself
to the poll's official responsible for the voter registration list, such voter
shall be permitted to vote.

Yeas 33; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford
Amari	Corbett	Foshee	Manley
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Sanders
Bedsole	Dial	Hilliard	Smith (B)
Bennett	Dixon	Holmes	Smith (J)
Bishop	Drinkard	Horn	Windom
Cabaniss	Ellis		

—33

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed
the following Senate Bill and returns same herewith to the Senate:

S. 280. To further provide for deductions from the salaries of state
employees for employee organizations under certain conditions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 280, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 280

Amend S. B. 280, page 2, Section 1, lines 5 through 9, by striking the following language:

~~Upon termination, amounts owed under the authorization for the current yearly period of the employee shall be deducted from the employee's final pay due, except in the event of death or retirement in which case no further balance shall be deducted.~~

Further amend by inserting the following new language:

Upon leaving state service whether by death, retirement, termination, resignation, leave of absence or other means, payroll deduction of dues and authorized voluntary deductions shall cease. When an employee returns to state service from an approved leave of absence or other temporary leave, payroll deductions and voluntary contributions shall resume unless the employee revokes the deductions in writing.

Yeas 20; Nays 1.

Yeas:

Senators:	Corbett	Foshee	Mitchem
Amari	deGraffenried	Hale	Rice
Bailey	Dial	Holmes	Smith (B)
Barron	Dixon	Horn	Smith (J)
Bedsole	Drinkard	Langford	Windom
Bennett			

—20

Nay: Senator Manley

—1

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 54. To create the Flexible Employee Benefits Board and to provide that such board, with the approval of the Governor, may establish a flexible benefit plan for State employees that will constitute a "Cafeteria Plan" under the Internal Revenue Code of 1986, as amended (Section 125 and any other applicable sections), that will provide employees a means of providing themselves medical and other benefits in a tax-effective manner by allowing employees a choice between cash and qualified benefits.

Also:

H. 81. To amend Section 16-13-13, Code of Alabama 1975, pertaining to classroom instructional supplies, material and equipment, excluding furniture and fixtures so as to require that funds expended for said instructional supplies shall be spent only for said purpose except during years of declared

proration, and if proration is declared and subsequently lifted or removed, then funds for such instructional supplies must be spent as appropriated.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 401. Proposing an amendment to the Constitution of Alabama of 1901 designating English the official language of the state of Alabama.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 688. Relating to Perry County; authorizing the county commission to levy a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of certain tobacco products in the county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Also:

H. 777. Relating to Henry County; to levy a tax upon certain tobacco products; to provide for the collection thereof and the disposition of the proceeds; and to provide for the enforcement of the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 63. To declare that all conveyances and vehicles of transportation, including trailers and semi-trailers, horses, or any other equipment, together with all harness or other accessories used in the perpetration of livestock theft, be contraband and forfeited to the State Department of Agriculture and Industries; to allow Livestock Theft Investigators and other officers to seize property used in the perpetration of livestock theft and report said seizure to the District Attorney; to require that the District Attorney institute condemnation proceedings against property in the same manner as condemnation proceedings against property used to transport illegal alcoholic beverages; to require that the proceeds from the sale of such property be paid into the state agricultural fund; to allow lienholders with a perfected security interest under the Uniform Commercial Code to recover the property after payment of expenses.

Also:

H. 946. To amend Section 16-33-4 of the Code of Alabama 1975, relating to benefits for dependents of blind parents, so as to provide further for such benefits.

Also:

H. 479. To amend Sections 24-1A-5 and 24-1A-9 of the Code of Alabama 1975, relating to the powers of Alabama Housing Finance Authority and to the limitation on issuance of certain bonds by Alabama Housing Finance Authority, so as to provide further for such powers and such limitation on issuance.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 497. To amend §§16-25-3 and 36-27-4, Code of Alabama 1975, which prohibits participation in the Teachers' or Employees' Retirement System of Alabama by persons age 61 or older; to further provide that a member of the Teachers' Retirement System or the Employees' Retirement System who was prohibited from participating in his respective retirement system because such member was age 61 or older at the time of employment may purchase credit for such service.

Also:

H. 698. To appropriate the sum of \$260,000 from the Alabama Special Educational Trust Fund to the Department of Postsecondary Education for the fiscal year ending September 30, 1989.

Also:

H. 248. To provide that where a bond is required for persons to be licensed or permitted by the Commissioner or Board of Agriculture and Industries a bond equivalent may be substituted in lieu thereof; that said bond equivalent shall be limited to cash bonds or irrevocable letters of credit and that said bond equivalent shall comply in all aspects with the requirements for a bond; that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to adopt rules and regulations to carry out the provisions of this Act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 281. Relating to the operation of motor vehicles and the rules of highway and traffic safety; to amend Sections 32-5-76 and 32-5A-60 of the Code of Alabama 1975, relating to rules of the road so as to further prohibit the spilling, depositing or throwing of foreign materials or litter from a motor vehicle onto a highway, road, street or public right-of-way; to provide for the use of the uniform traffic citation in certain instances for violations; and to provide further for penalties for violations.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 281, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 281

A BILL
TO BE ENTITLED
AN ACT

Relating to the operation of motor vehicles and the rules of highway and traffic safety; to amend Sections 32-5-76 and 32-5A-60 of the Code of Alabama 1975, relating to rules of the road so as to further prohibit the spilling, depositing or throwing of foreign materials or litter from a motor vehicle onto a highway, road, street or public right-of-way; to provide for the use of the uniform traffic citation in certain instances for violations; and to provide further for penalties for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1 Sections 32-5-76 and 32-5A-60, Code of Alabama 1975, are hereby amended to read as follows:

“§32-5-76.

“(a) Whoever willfully and knowingly operates, owns or causes to be operated on any public highway, road ~~or~~ street or public right-of-way a motor vehicle so loaded with gravel, rock, slag, bricks, ~~sawdust, chips, wood products or other like substances,~~ in such manner or in such condition that the contents of the vehicle spill out and endanger the safety of the persons ~~or property of motorists and pedestrians,~~ and causes it to be deposited upon the highway, road, street or public right-of-way is guilty of a Class C misdemeanor and upon conviction shall be fined not more than ~~\$100.00~~ \$500.00, pursuant to Section 13A-7-29, Code of Alabama 1975, the criminal littering statute.

“(b) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

“(c) Whoever willfully and knowingly operates, owns or causes to be operated on a public highway, road, street or public right-of-way, a motor vehicle in such manner or in such condition that litter is caused or allowed to be deposited upon the highway, road or street or public right-of-way, is guilty of a Class C misdemeanor and upon conviction shall be fined not more than \$500.00, pursuant to Section 13A-7-29, Code of Alabama 1975, the criminal littering statute.”

“§32-5A-60.

“(a) No person shall throw or deposit upon any highway road or street or public right-of-way any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

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“(b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

“(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

“(d) No person shall throw litter or allow litter to be thrown from a motor vehicle onto or upon any highway road or street or public right of way.

“(e) The uniform traffic citation may be used for any violation of this section.

“(f) ‘Litter’ as used in this section is the same as defined in Alabama Code Section 13A-7-29.

“(g) Notwithstanding the provisions of Section 32-5A-266, any person violating the provisions of this Section shall be guilty of a Class C misdemeanor and upon conviction shall be fined not more than \$500.00, pursuant to Section 13A-7-29, Code of Alabama 1975, the criminal littering statute.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 33; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford
Amari	Corbett	Foshee	Manley
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Sanders
Bedsole	Dial	Hilliard	Smith (B)
Bennett	Dixon	Holmes	Smith (J)
Bishop	Drinkard	Horn	Windom
Cabaniss	Ellis		

—33

Nays: —0

RULE 35 SUSPENDED

On motion of Senator Foshee, the provisions of Rule 35 were suspended to allow transmittal to the House of the Bills, S. B.'s 707, 636, 638, 367, 556, 600, 552, 394, 100, 711, and 488.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 224. To amend Section 30-3-61, Code of Alabama 1975, which provides for the implementation of income withholding to satisfy support obligations, so as to authorize immediate income withholding on any order entered at the request of the department, except in cases where good cause not to do so is determined by the court or there is an agreement between

parties not to have immediate implementation of income withholding, and to provide for the implementation of income withholding in such cases when immediate income withholding is not implemented.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 224, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 224

Amend Senate Bill 224, Section 2, Page 4, Line 22, after the word "the" by striking the remainder of Section 2, and inserting in lieu thereof:

first day of November of 1990.

Yeas 27; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Horn	
Amari	Campbell	Foshee	Langford	
Bailey	Covington	Goodwin	Manley	
Barron	deGraffenried	Hale	Mitchem	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Smith (J)	
Bennett	Dixon	Holmes	Windom	—27

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 553. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY HEALTH CARE IN MONTGOMERY COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study health care in Montgomery County. The committee shall be composed of the legislative delegation representing Montgomery County. Within a reasonable time after the adjournment of the 1989 Regular Session of the Legislature, the sponsor of this resolution shall call a meeting of the committee for the purpose of electing a chairman and a vice chairman of the committee. The committee shall study all areas of health care in Montgomery County and make recommendations to the legislature, including but not limited to the health needs of the citizens of Montgomery County, whether additional health care clinics are needed, and necessary appropriations. Subcommittees may be appointed if necessary.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary

for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee or subcommittee, which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$7,500.00.

BE IT FURTHER RESOLVED, That the final report of the committee, along with findings and recommendations, shall be made during the 1990 Regular Session of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 553, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 342. To amend Sections 11-89-1, 11-89-3, 11-89-4, 11-89-5, 11-89-6, 11-89-7, 11-89-13, 11-89-17, and 11-89-18, of the Code of Alabama 1975 pertaining to water, sewer and fire protection districts so as to provide for the creation of districts as public corporations under Chapter 89 of Title 11 of the 1975 Code which would act as providers at wholesale of water or sanitary sewer service to municipalities, counties or other public corporations in the state or to particular customers of such municipalities, counties or public corporations at their written request, by providing for the incorporation of such supply districts, the amendment of their certificates of incorporation, election of their directors, and their powers, to empower any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state to contract with such supply districts, including "take-or-pay" contracts, to authorize provisions for the dissolution of the district, to provide that the existence of a district shall not prevent the incorporation of another, to reduce the required number of directors of any district under the said Chapter 89 from five to three, and to reinsert provisions of Section 11-89-6 of the Code of Alabama 1975 which were deleted therefrom by mistake in 1986, and to make conforming changes in the aforesaid Sections to effectuate all of the foregoing.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

Senator Smith (J) requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 108. To amend Section 34-38-1, Code of Alabama, 1975, so as to include the definition of hygienist in Section 34-38-1, and to bring hygienists

under the provisions of this chapter. To amend Section 34-38-2, Code of Alabama, 1975, relating to the limitation of expenses of the Alabama impaired professionals' committee, so as to exclude the cost of treatment or rehabilitation programs recommended by the committee to professionals subject to the provisions of Section 34, Chapter 38 of the Code of Alabama 1975, and to preserve the authority of the regulatory board or boards to take disciplinary action against professionals subject to the provisions of this section. To amend Section 34-38-6, Code of Alabama, 1975, relating to the confidentiality of information, records and proceedings so as to allow certain access by the regulatory boards. To amend Section 34-38-7, Code of Alabama, 1975, relating to reporting requirements so as to require certain reports to the regulatory boards.

Senator Smith (J) offered the following substitute for the Bill, H. B. 108, to-wit:

SUBSTITUTE FOR H. B. 108

A BILL TO BE ENTITLED AN ACT

To amend Section 34-38-1, Code of Alabama, 1975, so as to include the definition of hygienist in Section 34-38-1, and to bring hygienists under the provisions of this chapter. To amend Section 34-38-2, Code of Alabama, 1975, relating to the limitation of expenses of the Alabama impaired professionals' committee, so as to exclude the cost of treatment or rehabilitation programs recommended by the committee to individuals subject to the provisions of Section 34, Chapter 38 of the Code of Alabama 1975, and to preserve the authority of the regulatory board or boards to take disciplinary action against individuals subject to the provisions of this section. To amend Section 34-38-6, Code of Alabama, 1975, relating to the confidentiality of information, records and proceedings so as to allow certain access by the regulatory boards. To amend Section 34-38-7, Code of Alabama, 1975, relating to reporting requirements so as to require certain reports to the regulatory boards.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-38-1, Code of Alabama 1975, is hereby amended to read as follows:

"§34-28-1. Definitions.

For the purposes of this chapter, the following terms shall have the meaning respectively ascribed to them by this section, unless the context clearly provides for another:

(1) **DENTIST.** Any person who is a dentist or dental practitioner pursuant to the definition of section 6-5-481, as amended.

(2) **PHARMACIST.** Any person who is a pharmacist as defined in section 34-23-1, as amended, and pharmacy externs and interns registered by the board of pharmacy under Rule 680-X-2-.16 of the Alabama Administrative Code.

(3) **BOARDS.** Individually and/or jointly; the board of dental examiners and the board of pharmacy.

(4) COMMITTEE. The Alabama impaired professionals' committee (Acts 1988, No. 88-334, §1.)

(5) HYGIENTIST. Any person who is a hygienist pursuant to the provisions of sections 34-9-26 and 34-9-27."

Section 2. Section 34-38-2, Code of Alabama 1975, as amended, is hereby amended to read as follows:

"§34-38-2. Duty of board of dental examiners and board of pharmacy to promote early treatment, etc., of individuals impaired by illness, inebriation, etc.; Alabama impaired professionals' committee; expenses; competitive bidding not required.

It shall be the duty and obligation of each the state board of dental examiners and the state board of pharmacy to promote the early identification, intervention, treatment and rehabilitation of individuals within the respective jurisdiction, licensed to practice in the State of Alabama, who may be impaired by reason of illness, inebriation, excessive use of drugs, narcotics, controlled substances, alcohol, chemicals or other dependent forming substances, or as a result of any physical or mental condition rendering such person unable to meet the standards of his or her profession. For the purpose of this chapter, the term "impaired" shall mean the inability of a dentist, hygienist or pharmacist to practice with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, controlled substances, alcohol, chemicals or other dependent forming substances, or as a result of physical or mental condition rendering such person unable to meet the standards of his or her profession. In order to carry out this obligation, each board, individually or jointly, is hereby empowered to contract with any nonprofit corporation, health provider or professional association for the purpose of creating, supporting and maintaining a committee of professionals to be designated the Alabama impaired professionals' committee. The committee shall consist of not less than three nor more than fifteen professionals licensed to practice dentistry or pharmacy in the State of Alabama, and selected in a manner prescribed by the board or boards. The authority of the Alabama impaired professionals' committee shall not supercede the authority of the board or boards to take disciplinary action against individuals subject to this chapter. Nothing in this chapter shall limit the power and authority of the board or boards to discipline an impaired individual subject to its jurisdiction; provided that where an individual is impaired and currently in need of intervention, treatment or rehabilitation and such individual is currently participating in programs or rehabilitation recommended by the committee, then in its discretion, the board or boards may refrain from taking or continuing disciplinary action against such individual; and further provided that where the board or boards, upon reasonable cause to believe an individual subject to its jurisdiction is impaired, has referred such individual to the committee for evaluation, then in its discretion, the board or boards may refrain from taking or continuing disciplinary action against such individual. The board, or boards, is authorized to expend such funds as are available to it as deemed necessary to adequately provide for the operational expenses of the Alabama impaired professionals' committee, including, but not limited to, the actual cost of travel, office overhead, personnel expense and compensation for the members of the committee and its staff; provided that operational expenses of the Alabama impaired professionals' committee shall not include the cost of treatment or rehabilitation programs recommended by the committee to individuals subject to this chapter."

Section 3. Section 34-38-6, Code of Alabama, 1975, is hereby amended as follows:

“§34-38-6. Confidentiality of Information, Records and Proceedings.

All information, interviews, reports, statements, memorandums, or other documents furnished to or produced by the Alabama impaired professionals' committee and any findings, conclusions, recommendations or reports resulting from the investigations, interventions, treatment or rehabilitation, or other related proceedings of such committee are declared to be privileged and confidential. All records and proceedings of such committee shall be confidential and shall be used by such committee, ~~and the members thereof and the boards,~~ only in the exercise of the proper functions of the committee ~~and the boards,~~ and shall not be public records nor available for court subpoena or for discovery proceedings. Nothing contained herein shall apply to records made in the regular course of business of an individual; documents or records otherwise available from original sources and not to be construed as immune from discovery or use in any civil proceedings merely because they were presented or considered during the proceedings of the Alabama impaired professionals' committee.

Section 4. Section 34-38-7, Code of Alabama, 1975, as amended, is hereby amended as follows:

“§34-38-7. Annual Report.

It shall be the duty of the Alabama impaired professionals' committee to render an annual report to each board or boards, concerning the operations and proceedings of the committee for the preceding year. In addition, the committee shall promptly report to the respective boards any individual within their jurisdiction who, in the opinion of the committee is unable to practice the standards of his or her profession with reasonable skill and safety to patients, by reason of illness, inebriation, excessive use of drugs, controlled substances, narcotics, alcohol, chemicals or other dependent forming substances, or as a result of any physical or mental condition rendering such person unable to meet the standards of his or her profession and appears that such individual is currently in need of intervention treatment or rehabilitation. ~~And such professional has failed or refused to participate in programs of committee.~~ A report to the Alabama impaired professionals' committee shall be deemed to be a report to the board or boards for the purposes of any mandated reporting of professional impairment otherwise provided for by the statutes of this state.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Horn	
Amari	Campbell	Foshee	Langford	
Bailey	Covington	Goodwin	Manley	
Barron	deGraffenried	Hale	Mitchem	
Bedford	Denton	Hand	Smith (B)	
Bedsale	Dial	Hilliard	Smith (J)	
Bennett	Dixon	Holmes	Windom	—27

Nays:

—0

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And said Bill, H. B. 108, as thus amended by the substitute, was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Horn	
Amari	Campbell	Foshee	Langford	
Bailey	Covington	Goodwin	Manley	
Barron	deGraffenried	Hale	Mitchem	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Smith (J)	
Bennett	Dixon	Holmes	Windom	—27

Nays: —0

Senator Bedford requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 1004. To amend Sections 32-8-2, 32-8-30, and 32-8-31, Code of Alabama 1975, relating to the Uniform Certificate of Title and Antitheft Act to alphabetized terms being defined; to define "mobile homes" and "travel trailers"; to provide for the titling of certain mobile homes and travel trailers; and to provide for the exemption from titling certain mobile homes and travel trailers.

Senator Bedford offered the following substitute for the Bill, H. B. 1004, to-wit:

SUBSTITUTE FOR H. B. 1004

**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 32-8-2, 32-8-30, and 32-8-31, Code of Alabama 1975, relating to the Uniform Certificate of Title and Antitheft Act to alphabetized terms being defined; to define "mobile homes" and "travel trailers"; to provide for the titling of certain mobile homes and travel trailers; and to provide for the exemption from titling certain mobile homes and travel trailers.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-8-2, Code of Alabama 1975, is hereby amended to read as follows:

"§32-8-2.

"For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) ~~DEPARTMENT. The department of revenue of this state.~~ CURRENT ADDRESS. A new address different from the address shown on the application or on the certificate of title. The owner shall within 30 days after his address is changed from that shown on the application or on the certificate of title notify the department of the change of address in the manner prescribed by the department.

(2) DEALER. A person licensed as an automobile or motor vehicle dealer, mobile home dealer, or travel trailer dealer and engaged regularly in

the business of buying, selling or exchanging motor vehicles, trailers, semitrailers, trucks, tractors or other character of commercial or industrial motor vehicles, mobile homes or travel trailers in this state, and having in this state an established place of business.

(3) DEPARTMENT. The department of revenue of this state.

(4) ~~(3)~~ DESIGNATED AGENT. Each judge of probate, commissioner of licenses, director of revenue or other county official in this state authorized and required by law to issue motor vehicle license tags, who may perform his duties under this chapter personally or through his deputies, or such other persons, as the department may designate; the term shall also mean those "dealers" as herein defined who are appointed by the department as herein provided in section 32-8-34 to perform the duties of "designated agent" for the purposes of this chapter; such "dealers" may perform their duties under this chapter either personally or through any of their officers or employees.

(5) ~~(4)~~ IMPLEMENT OF HUSBANDRY. Every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to licensing or registration if used upon the highways. VEHICLE IDENTIFICATION NUMBER. ~~The numbers and letters on a vehicle designated by the manufacturer or assigned by the department for the purpose of identifying the vehicle.~~

(6) LIEN. Every kind of written lease which is substantially equivalent to an installment sale or which provides for a right of purchase, conditional sale, reservation of title, deed of trust, chattel mortgage, trust receipt, and every written agreement or instrument of whatever kind or character whereby an interest other than absolute title is sought to be held or given on a motor vehicle.

(7) LIENHOLDER. Any person, firm, copartnership, association or corporation holding a lien as herein defined on a motor vehicle.

(8) MANUFACTURER. Any person regularly engaged in the business of manufacturing, constructing, assembling, importing or distributing new motor vehicles, either within or without this state.

(9) MOBILE HOME. A structure, transportable in one (1) or more sections, and which is built on a permanent chassis, and not designed normally to be drawn or pulled on the highway except to change permanent locations, but is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems, if any contained therein. It may be used as a place of residence, business, profession, trade or for any other purpose, by the owner, lessee, or assigns and may consist of one or more units that can be attached or jointed together.

(10) (9) MOTOR VEHICLE. Such term shall include:

a. Every automobile, motorcycle, mobile trailer, semitrailers, truck, truck tractor, trailer and other device which is self-propelled or drawn, in, upon or by which any person or property is or may be transported or drawn upon a public highway except such as is moved by animal power or used exclusively upon stationary rails or tracks;

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b. Every mobile home, trailer coach, travel trailer and house trailer manufactured upon a chassis or undercarriage as an integral part thereof drawn by a self-propelled vehicle.

(11) ~~(10)~~ NEW VEHICLE. A motor vehicle that has never been the subject of a first sale for use.

(12) ~~(11)~~ NONRESIDENT. Every person who is not a resident of this state. ~~USED VEHICLE. A motor vehicle that has been the subject of a first sale for use, whether within this state or elsewhere.~~

(13) ~~(12)~~ OWNER. A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security. Under any lease-purchaser or installment sales agreement where a governmental agency, either city, county or state, is the lessee or purchaser with a security interest or right to purchase, such lessee or purchaser shall be the owner for purposes of this chapter.

(14) ~~(13)~~ PERSON. Such term shall include every natural person, firm, copartnership, association or corporation.

(15) ~~(14)~~ POLE TRAILER. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as logs, poles, pipes, boats or structural members capable generally of sustaining themselves as beams between the supporting connections.

(16) ~~(17)~~ SCRAP METAL PROCESSOR. Any person, firm, or corporation engaged in the business of buying scrap vehicles, automotive parts, or other metallic waste by weight to process such material into scrap metal for remelting purposes, who utilizes machinery and equipment for processing and manufacturing ferrous and nonferrous metallic scrap into prepared grades, and whose principal product is metallic scrap.

(17) ~~(18)~~ SCRAP VEHICLE. Any vehicle which has been crushed or flattened by mechanical means or which has been otherwise damaged to the extent that it cannot economically be repaired or made roadworthy.

(18) ~~(15)~~ SECURITY AGREEMENT. A written agreement which reserves or creates a security interest.

(19) ~~(16)~~ SECURITY INTEREST. An interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.

(20) ~~(19)~~ SPECIAL MOBILE EQUIPMENT. Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over the highway, including but not limited to: ditch-digging apparatus; well-boring apparatus; road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving cravalls and scrapers, power shovels and draglines, and self-propelled cranes;

and earth-moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached.

~~(21) (20) NONRESIDENT. Every person who is not a resident of this state. STATE. A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.~~

~~(22) (21) CURRENT ADDRESS. A new address different from the address shown on the application or on the certificate of title. The owner shall within 30 days after his address is changed from that shown on the application or on the certificate of title notify the department of the change of address in the manner prescribed by the department. TRAVEL TRAILER. A vehicle without motive power, designed and constructed as a camping vehicle or a temporary dwelling, living or sleeping place and designed to be drawn or pulled on the highway, but not including folding or collapsible camping trailers and mobile homes as defined herein.~~

~~(23) USED VEHICLE. A motor vehicle that has been the subject of a first sale for use, whether within this state or elsewhere.~~

~~(24) (22) VEHICLE IDENTIFICATION NUMBER. The numbers and letters on a motor vehicle designated by the manufacturer or assigned by the department for the purpose of identifying the motor vehicle. STATE. A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada."~~

Section 2. Section 32-8-30, Code of Alabama 1975, is hereby amended to read as follows:

"§32-8-30.

"(a) Except as provided in section 32-8-31, every owner of a motor vehicle designated a 1975 year model, and all models subsequent thereto which is in this state and which is required to be registered under the motor vehicle laws of this state and for which no certificate of title has been issued by the department, shall make application to a designated agent as herein defined for a certificate of title to the vehicle.

"(b) Except as provided in section 32-8-31, every owner of a mobile home designated a 1990 year model, and all models subsequent thereto which is in this state and for which no certificate of title has been issued by the department, shall make application to a designated agent as herein defined for a certificate of title to the mobile home, or to each unit thereof if the mobile home consists of more than one unit.

"(c) If a mobile home is affixed to a parcel of real property and the ownership of mobile home and real property is identical, the owner or owners may obtain from the Alabama Department of Revenue a cancellation of title to the mobile home by delivering to the department, the following:

(1) The certificate of title to the mobile home, or each separate certificate of title if the mobile home consist of more than one unit;

(2) A certified copy of the deed or other instruments of conveyance to the realty to which the mobile home has become affixed;

(3) An affidavit executed by all who have an ownership interest in the mobile home and the realty to which the mobile home has become affixed to the effect that the mobile home is affixed to the realty described in the deed;

(4) Lien release from lienholder as recorded on the face of the certificate of title.

If a mobile home for which the certificate of title has been cancelled as provided in this subsection is subsequently detached from the realty to which it became affixed, the owner or owners must reapply for a new certificate of title, provide an abstract of land title showing ownership of the mobile home and realty and any changes, if any, since the previous cancellation of the certificate of title, and pay the required fee specified in Section 32-8-6, Code of Alabama 1975, for the mobile home, or if in more than one section, for each component unit.

(d) Except as provided in section 32-8-31, every owner of a travel trailer designated a 1990 year model, and all models subsequent thereto which is in this state and which is required to be registered under the motor vehicle laws of this state and for which no certificate of title has been issued by the department, shall make application to a designated agent as herein defined for a certificate of title to the travel trailer.

(e) ~~(b)~~ Any dealer, acting for himself or another, who sells, trades or otherwise transfers any vehicle required to be titled under this chapter who does not comply with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not exceeding \$500.00."

Section 3. Section 32-8-31, Code of Alabama 1975, is hereby amended to read as follows:

"§32-8-31.

"No certificate of title need be obtained for:

(1) A vehicle owned by the United States or any agency thereof;

(2) A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by a manufacturer solely for testing;

(3) A vehicle owned by a nonresident of this state and not required by law to be registered in this state;

(4) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;

(5) A vehicle moved solely by animal power;

(6) An implement of husbandry;

(7) Special mobile equipment;

(8) A pole trailer;

(9) Mobile homes, travel trailers, and mobile trailers designated 1989 year models and prior year models."

Section 4. There is hereby appropriated and allocated to the Alabama manufactured housing commission fund in the state treasury for the 1989-1990 state fiscal year, five dollars (\$5.00) from each mobile home title fee collected pursuant to the provisions of Section 2 of this act.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Horn	
Amari	Campbell	Foshee	Langford	
Bailey	Covington	Goodwin	Manley	
Barron	deGraffenried	Hale	Mitchem	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Smith (J)	
Bennett	Dixon	Holmes	Windom	—27

Nays: —0

And said Bill, H. B. 1004, as thus amended by the substitute, was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Horn	
Amari	Campbell	Foshee	Langford	
Bailey	Covington	Goodwin	Manley	
Barron	deGraffenried	Hale	Mitchem	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Smith (J)	
Bennett	Dixon	Holmes	Windom	—27

Nays: —0

RECESS

At 6 o'clock P.M., on motion of Senator Manley, the Senate took a recess until 8:30 P.M. this evening.

The recess period having expired, at 8:30 P.M., the Senate was called to order by the acting Presiding Officer, Senator Foshee. A quorum of the Senate was present.

BILLS ON THIRD READING RESUMED

Senator Hilliard requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 810. To create the office of Honorary Senator, Honorary Representative, and Honorary Lieutenant Governor of the State of Alabama and to provide for the requirements for holding such office.

And said Bill, H. B. 810, was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Horn	
Amari	Campbell	Foshee	Langford	
Bailey	Covington	Goodwin	Manley	
Barron	deGraffenried	Hale	Mitchem	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Smith (J)	
Bennett	Dixon	Holmes	Windom	—27

Nays:

—0

Senator Hilliard moved that the Senate reconsider the vote by which the Bill, H. B. 810, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed by voice vote.

Senator Corbett requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 355. To amend further Section 36-25-1 of the Code of Alabama 1975, relating to the code of ethics for public officials and employees, so as to exempt certain firemen from the provisions of such code of ethics.

Senator Corbett offered the following substitute for the Bill, S. B. 355, to-wit:

SUBSTITUTE FOR S. B. 355

**A BILL
TO BE ENTITLED
AN ACT**

To amend further Section 36-25-1 of the Code of Alabama 1975, relating to the code of ethics for public officials and employees, so as to exempt certain persons from filing statements of economic interests.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-25-1 of the Code of Alabama 1975 is hereby amended further to read as follows:

“§36-25-1.

“Whenever used in this chapter, the following words and terms shall have the following respective meanings unless the context clearly indicates otherwise:

“(1) **BUSINESS.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity.

“(2) BUSINESS WITH WHICH HE IS ASSOCIATED. Any business of which the person or a member of his family is an officer, owner, partner, employee or holder of more than 10 percent of the fair market value of such business.

“(3) CANDIDATE FOR PUBLIC OFFICE. Any person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, and any person who has been nominated for appointment to serve as a public official.

“(4) COMMISSION. The state ethics commission.

“(5) STATEMENT OF ECONOMIC INTERESTS. A financial disclosure form which must be completed and filed with the state ethics commission prior to April 30 of each year covering the preceding calendar year by all elected public officials and those appointed public officials and employees who occupy positions paying ~~\$25,000.00~~ \$35,000.00 or more annually and/or who have policy-making responsibilities or are authorized to disburse public funds. Public employees, regardless of salary, who have no policy-making responsibilities or disbursement authority for public funds are not required to file a Statement of Economic Interests. ~~and all~~ All candidates for elected public office must file within five days of becoming a candidate for elected public office.

“(6) LOBBYING. The practice of promoting or opposing the introduction or enactment of legislation before the legislature or the legislative committees or the members thereof, and shall also include the practice of promoting or opposing executive approval of legislation.

“(7) LOBBYIST. All persons who seek to encourage the passage, defeat or modification of any legislation, except members of the Alabama legislature or any person who, on an isolated basis and without the intent to continue beyond a single day during a session of the Alabama legislature, merely appears before a committee or committees of the legislature in his individual capacity, or on behalf of a corporation, partnership, association or other business entity, with which such person is regularly associated as an employee, officer, member or partner without receiving additional salary or compensation other than reasonable and ordinary travel expenses, to express support of or opposition to any legislation, and who shall so declare to a member, members or committee of the legislature with whom he discusses any proposed legislation.

“(8) REPORTING YEAR. The reporting official's or employee's fiscal tax year as it applies to his United States income tax return(s).

“(9) PUBLIC EMPLOYEE. Any person employed at the state, county or municipal level of government or their instrumentalities who is paid in whole or in part from state, county or municipal funds.

“(10) PUBLIC EMPLOYEE'S FAMILY. The employee's spouse and dependents.

“(11) PUBLIC OFFICIAL. Any person elected to public office by the vote of the people at state, county or municipal level of government or their instrumentalities and any person appointed to a position at the state, county or municipal level of government or their instrumentalities.

“(12) PUBLIC OFFICIAL'S FAMILY. The official's spouse and dependents.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

POINT OF PERSONAL PRIVILEGE

Senator Cabaniss asked if the clock had been moved forward or if it had been tampered with during the recess. He also asked if the Senate had any recourse about the time the Senate was called in session after the recess and if the President and Presiding Officer of the Senate would bring the Bill, H. B. 810, back before the Senate.

POINTS OF ORDER

Senator Denton raised the following point of order: "If anyone could reconvene the Senate other than the Lieutenant Governor or the President Pro Tempore."

Senator Cabaniss appealed and challenged the ruling of the Chair on the motion to reconsider and table the passage vote of the Bill, H. B. 810.

POINT OF PERSONAL PRIVILEGE

Senator Bedford requested that the following Statement be spread upon the Journal:

Senator Roger Bedford was not present and did not vote for final passage of H. B. 810 and objects to the use of the short roll call vote from a previous bill.

I have been opposed to this and remain opposed to this bill. This vote was taken improperly.

I wish the record to reflect that had I been present I would have voted no and been totally opposed to this bill. This was done without the consent or knowledge of the majority of the Senate.

MOTION TO RECONSIDER

Senator Cabaniss moved that the Senate reconsider the tabling motion by which the Bill, H. B. 810, was passed and reconsidered and tabled.

POINTS OF PERSONAL PRIVILEGE

Senator Bedsole requested that the following Statement be spread upon the Journal.

Senator Ann Bedsole was not present as the clock apparently was advanced so I could not vote on passage of H. B. 810 and object to the use of the short roll call vote from a previous bill. I am opposed to this and remain opposed to this bill. The vote in my opinion was improper.

I wish the record to reflect that had I been present I would have voted no against H. B. 810. This vote was taken without the consent or knowledge of the majority of the Senate.

Senator Mitchem requested that the following Statement be spread upon the Journal.

I would request that it be spread upon the journal that I was not present when the final vote was taken on H. B. 810 but had I been present I would have voted against this bill.

Senator Dial requested that the following Statement be spread upon the Journal.

I would request that it be spread upon the journal that I was not present when the final vote was taken on H. B. 810 but had I been present I would have voted against this bill.

Senator Windom requested that the following Statement be spread upon the Journal.

I would request that it be spread upon the journal that I was not present when the final vote was taken on H. B. 810 but had I been present I would have voted against this bill.

Senator Hand requested that the following Statement be spread upon the Journal.

I would request that it be spread upon the journal that I was not present when the final vote was taken on H. B. 810 but had I been present I would have voted against this bill.

Senator Denton requested that the following Statement be spread upon the Journal.

I would request that it be spread upon the journal that I was not present when the final vote was taken on H. B. 810 but had I been present I would have voted against this bill.

Senator Bennett requested that the following Statement be spread upon the Journal.

I would request that it be spread upon the journal that I was not present when the final vote was taken on H. B. 810 but had I been present I would have voted against this bill.

Senator Barron requested that the following Statement be spread upon the Journal.

I would request that it be spread upon the journal that I was not present when the final vote was taken on H. B. 810 but had I been present I would have voted against this bill.

Senator Dixon requested that the following Statement be spread upon the Journal.

I would request that it be spread upon the Journal of the Senate that at the time House Bill 810 was voted on the Senate was not officially in Session as the clock was advanced and the Senate called into Session illegally, whereupon, there was no quorum present and a motion to use a previous roll call was made, whereupon, my vote on a previous bill was used. I was not present and had I been present I would have voted against it.

POINT OF ORDER

Senator Rice requested a ruling of the Chair as to whether a quorum of the Senate was present when the vote was taken on the Bill, H. B. 810.

POINTS OF PERSONAL PRIVILEGE

Senator deGraffenried requested that the Journal show that Senator Hilliard objected to a motion for unanimous consent to reconsider the reconsideration and tabling motion on the Bill, H. B. 810, after its passage.

Senator deGraffenried then asked the President and Presiding Officer of the Senate not to sign the Bill, H. B. 810, when it is prepared for his signature.

Senator deGraffenried then requested that the following statement be spread upon the Journal.

I would request that it be spread upon the journal that I was not present when the final vote was taken on H. B. 810 but had I been present I would have voted against this bill.

Senator Rice requested that the following Statement be spread upon the Journal.

I would request that it be spread upon the journal that I was not present when the final vote was taken on H. B. 810 but had I been present I would have voted against this bill.

Senator Amari requested that the following Statement be spread upon the Journal.

I would request that it be spread upon the journal that there was not a quorum present when the vote was taken on H. B. 810 but had I been present I would have voted against this bill.

Senator Holmes requested that the following Statement be spread upon the Journal.

I would request that it be spread upon the journal that I was not present when the final vote was taken on H. B. 810 but had I been present I would have voted against this bill.

Senator Bishop requested that the following Statement be spread upon the Journal.

I would request that it be spread upon the journal that I was not present when the final vote was taken on H. B. 810 but had I been present I would have voted against this bill.

STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER

The President and Presiding Officer of the Senate stated that if nothing changes, he will not sign the Bill, H. B. 810.

POINT OF ORDER

Senator Hand raised the following point of order: "Could the Bill, H. B. 810, be sent to the Governor's office without his signature?"

STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER

The President and Presiding Officer of the Senate stated that the Constitution requires that both presiding officers sign the Bill, H. B. 810.

FURTHER CONSIDERATION OF H. B. 810

Senator Cabaniss moved to remove from the table the vote by which the Bill, H. B. 810, was reconsidered and tabled.

STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER

The President and Presiding Officer of the Senate stated that unanimous consent would be needed to make the motion to remove from the table the vote by which the Bill, H. B. 810, was reconsidered and tabled.

POINT OF ORDER

Senator Cabaniss appealed the ruling of the Chair on the statement that unanimous consent would be needed to make the motion to remove from the table the vote by which the Bill, H. B. 810, was reconsidered and tabled.

SENSE OF THE SENATE

Senator Drinkard asked the Chair for a sense of the Senate on the feelings of the Senators about the President and Presiding Officers statement that he will not sign the Bill, H. B. 810.

In response to the question by Senator Drinkard, the President and Presiding Officer requested the Sense of the Senate on the following question: "Should the President and Presiding Officer sign the Bill, H. B. 810?"

Yeas 2; Nays 24.

Abstaining 3.

Yeas:

Senators:	Hilliard	Horn	—2
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Nays:

Senators:	Bishop	Dial	Holmes	
Amari	Cabaniss	Dixon	Mitchem	
Bailey	Campbell	Drinkard	Rice	
Barron	Covington	Foshee	Smith (B)	
Bedford	deGraffenried	Hale	Smith (J)	
Bedsole	Denton	Hand	Windom	
Bennett				—24

Abstaining:

Senators:	Corbett	Goodwin	Langford	—3
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FURTHER CONSIDERATION OF H. B. 810

On motion of Senator Cabaniss, the Rules were suspended to reconsider the motion by which the motion to reconsider the Bill, H. B. 810, was laid on the table.

BILL RECONSIDERED

Senator Cabaniss then moved that the Senate reconsider the tabling motion, which motion was adopted.

Yeas 26; Nays 2.

Abstaining 2.

Yeas:

Senators:	Cabaniss	Drinkard	Parsons	
Amari	Campbell	Foshee	Preuitt	
Bailey	Covington	Hale	Rice	
Barron	deGraffenried	Hand	Smith (B)	
Bedford	Denton	Holmes	Smith (J)	
Bedsole	Dial	Manley	Windom	
Bennett	Dixon	Mitchem		—26

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Nays:

Senators:	Hilliard	Horn	—2
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Abstaining:

Senators:	Corbett	Goodwin	—2
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Senator Cabaniss then moved that the Senate reconsider the vote by which the Bill, H. B. 810, was ordered to its third reading, which motion was adopted.

Senator Cabaniss then moved that further consideration of the Bill, H. B. 810, be indefinitely postponed.

POINT OF ORDER

Senator Hand asked the President and Presiding Officer, "Does he have the right to refuse to sign a bill that has been passed?"

STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER

The President and Presiding Officer of the Senate stated that due to the provisions of Section 66, Article 4 of the Constitution, the Presiding Officer shall sign the Bill.

FURTHER CONSIDERATION OF H. B. 810

Senator Cabaniss moved that further consideration of the Bill, H. B. 810, be indefinitely postponed, which motion was adopted.

Yeas 27; Nays 1.

Abstaining 2.

Yeas:

Senators:	Bishop	Dixon	Mitchem	
Amari	Cabaniss	Drinkard	Parsons	
Bailey	Campbell	Foshee	Preuitt	
Barron	Covington	Hale	Rice	
Bedford	deGraffenried	Hand	Smith (B)	
Bedsole	Denton	Holmes	Smith (J)	
Bennett	Dial	Manley	Windom	—27

<i>Nay:</i> Senator Hilliard	—1
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Abstaining:

Senators:	Corbett	Goodwin	—2
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Senator Cabaniss then moved that the Senate reconsider the vote by which the Bill, H. B. 810, was indefinitely postponed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Buskey (JL):

H. 528. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended; providing that the

Legislature may make appropriations from state funds for expenses of the executive, legislative and judicial functions of state government and for general public educational purposes in one or more general appropriation bills; also, providing that the Legislature may make appropriations from state funds to non-state agencies in one or more appropriation bills designated for such purpose.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 528—to the Committee on Finance and Taxation

(The above Bill was read a first time at length as required by the Constitution.)

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills and finds same correctly engrossed, to-wit:

S. 100. To permit the use of blood test for intoxication in cases of death or serious physical injury and provides penalties for non-compliance.

Also:

S. 488. To require all persons born on or after October 1, 1974, and of 16 years of age or older to present certification of satisfactory completion of an approved hunter education course at the time of obtaining any annual or trip hunting license provided for in this chapter; to prohibit the issuance of any annual or trip hunting licenses to said persons without said certification; to prohibit hunting by persons born on or after October 1, 1974, and of 16 years of age or older pursuant to any lifetime Alabama hunting license without obtaining said certification; to prohibit the illegal or fraudulent obtaining of said certification; to allow promulgation of a license and/or certification revocation procedure; to allow the Department of Conservation and Natural Resources to prescribe a course of instruction and an instructor certification procedure, and to approve other courses; to provide penalties for violation of this act.

BILL DRINKARD,
Chairperson.

FURTHER CONSIDERATION OF S. B. 355

The Senate proceeded to further consideration of the Bill, S. B. 355. The question was on the substitute offered by Senator Corbett.

On motion of Senator Drinkard, further consideration of the Bill, S. B. 355, and pending substitute, was postponed subject to the call of the Chair.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 231. SPECIAL ORDER CALENDAR.

Pursuant to Rule 9, the regular order of business of the Senate is hereby set aside and the following shall be the paramount and continuing order of business until disposed of for the twenty-seventh legislative day of the 1989 Regular Session only:

1. Motions and Resolutions

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

Senator Windom offered the following Senate Resolution, to-wit:

S. R. 232. RELATIVE TO VOTE ON H. B. 810.

Be it resolved that the short roll call vote on H. B. 810 which was ultimately reconsidered be stricken from the official journal of the Senate.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

Senator Bedford requested permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 666. To amend Section 36-25-13, Code of Alabama 1975, relating to lobbying by former public officials, so as to prohibit lobbying by certain public officials and employees for a certain period.

Upon objection of Senator Rice, the request to suspend the Rules in order to bring up the Bill, S. B. 666, was denied.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Butler:

H. 14. To further amend Section 23-2-147, Code of Alabama 1975, as amended, relating to the Alabama Toll Road, Bridge and Tunnel Authority and the form, premium yield and procedures, so as to set the rate of yield to the competitive rate at the time the bond issue is formed.

Also:

By Rep. Harper:

H. 806. To amend Section 11-18-3, Code of Alabama 1975, relating to the appointment of a board of trustees for the acquisition and maintenance of lands and property for public use, so as to provide that the governing body of any municipality located on an island shall appoint additional members to such board of trustees.

Also:

By Rep. Hill:

H. 1007. To amend Section 41-9-73, Code of Alabama 1975, as amended, so as to increase the annual appropriations to the Board of Adjustment for payment of claims and death benefits.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 14 and 806—to the Committee on Rules

H. B. 1007—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Grouby, Headley, and Hogan:

H. 957. To amend Section 17-4-156 of the Code of Alabama 1975, as last amended, relating to the session days for certain boards of registrars, so as to provide further for the session days for the board of registrars for Autauga County, Walker County and Chilton County.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 957—to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Penry:

H. 589. To further provide for exemptions from ad valorem taxation, so as to include the property of shrimpers used in their trade; and to amend Section 40-9-1, Code of Alabama 1975, as amended, relating to ad valorem exemptions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 589—to the Committee on Rules

RESOLUTION

Senator Dixon offered the following Senate Resolution, to-wit:

S. R. 233. MOURNING THE DEATH OF WILLIAM RAYNES JONES OF MONTGOMERY, ALABAMA.

Which was filed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Spratt, Perdue, and Escott (With Notice and Proof):

H. 458. Relating to the City of Birmingham, Jefferson County, Alabama; providing for the election of the members of the city board of education from single-member districts.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 458, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Escott (With Notice and Proof):

H. 850. To amend Act No. 87-793, H. 648 of the 1987 Regular Session (Acts of 1987, p. 1553), relating to the Jefferson County Flood Control Authority, so as to further regulate the power of the Authority to issue bonds.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 850, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. White (G) (With Notice and Proof):

H. 987. To grant the City of Homewood the right to demolish unsafe buildings; and to provide further for the following: The procedure for a determination of the ownership of the real property or building and notice of a hearing; the procedure for holding the hearing before the city governing body; the procedure for appeal to the circuit court; the right of the city to obtain a lien for the cost of demolition; the authority to assess against property sold to the State of Alabama for taxes; the method of collection of assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 987, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Wright (With Notice and Proof):

H. 995. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application Jerry Frazier to purchase prior service time and to allow such purchase if, in the judgment of the Board of Managers, such purchase is reasonable, and to provide for the conditions and limitations applying to such purchase and to set an effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 995, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Slaughter (With Notice and Proof):

H. 1002. Relating to Jefferson County; establishing a residency requirement for Jefferson County Commissioners.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1002, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 458, 850, 987, 995, and 1002—to the Committee on Local Legislation No. 2

FURTHER CONSIDERATION OF S. B. 355

The Senate proceeded to further consideration of the Bill, S. B. 355. The question was on the substitute offered by Senator Corbett.

On motion of Senator Bedsole, said substitute was laid on the table.

Senator Corbett then offered the following substitute No. 2 for the Bill, S. B. 355, to-wit:

SUBSTITUTE NO. 2 FOR S. B. 355

A BILL TO BE ENTITLED AN ACT

To amend further Section 36-25-1 of the Code of Alabama 1975, relating to the code of ethics for public officials and employees, so as to exempt certain persons from filing statements of economic interests.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-25-1 of the Code of Alabama 1975 is hereby amended further to read as follows:

“§36-25-1.

“Whenever used in this chapter, the following words and terms shall have the following respective meanings unless the context clearly indicates otherwise:

“(1) BUSINESS. Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity.

“(2) BUSINESS WITH WHICH HE IS ASSOCIATED. Any business of which the person or a member of his family is an officer, owner, partner, employee or holder of more than 10 percent of the fair market value of such business.

“(3) CANDIDATE FOR PUBLIC OFFICE. Any person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, and any person who has been nominated for appointment to serve as a public official.

“(4) COMMISSION. The state ethics commission.

“(5) STATEMENT OF ECONOMIC INTERESTS. A financial disclosure form which must be completed and filed with the state ethics commission prior to April 30 of each year covering the preceding calendar year by all elected public officials and those appointed public officials and employees who occupy positions paying ~~\$25,000.00~~ \$35,000.00 or more annually. All candidates for elected public office must file within five days of becoming a candidate for elected public office.

“(6) LOBBYING. The practice of promoting or opposing the introduction or enactment of legislation before the legislature or the legislative committees or the members thereof, and shall also include the practice of promoting or opposing executive approval of legislation.

“(7) LOBBYIST. All persons who seek to encourage the passage, defeat or modification of any legislation, except members of the Alabama legislature or any person who, on an isolated basis and without the intent to continue beyond a single day during a session of the Alabama legislature, merely appears before a committee or committees of the legislature in his individual capacity, or on behalf of a corporation, partnership, association or other business entity, with which such person is regularly associated as an employee, officer, member or partner without receiving additional salary or compensation other than reasonable and ordinary travel expenses, to express support of or opposition to any legislation, and who shall so declare to a member, members or committee of the legislature with whom he discusses any proposed legislation.

“(8) REPORTING YEAR. The reporting official's or employee's fiscal tax year as it applies to his United States income tax return(s).

“(9) PUBLIC EMPLOYEE. Any person employed at the state, county or municipal level of government or their instrumentalities who is paid in whole or in part from state, county or municipal funds.

“(10) PUBLIC EMPLOYEE’S FAMILY. The employee’s spouse and dependents.

“(11) PUBLIC OFFICIAL. Any person elected to public office by the vote of the people at state, county or municipal level of government or their instrumentalities and any person appointed to a position at the state, county or municipal level of government or their instrumentalities.

“(12) PUBLIC OFFICIAL’S FAMILY. The official’s spouse and dependents.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO ADJOURN LOST

At 11:15 P.M., Senator Foshee moved that the Senate adjourn until Thursday, May 4, 1989, at 10 o’clock A.M., which motion was lost.

Yeas 7; Nays 19.

Yeas:

Senators:	Bedsole	Foshee	Hilliard	
Bedford	Bennett	Hand	Langford	—7

Nays:

Senators:	Campbell	Dixon	Mitchem	
Amari	Corbett	Drinkard	Rice	
Bailey	deGraffenried	Ellis	Smith (B)	
Barron	Denton	Goodwin	Smith (J)	
Cabaniss	Dial	Manley	Windom	—19

FURTHER CONSIDERATION OF S. B. 355

The Senate proceeded to further consideration of the Bill, S. B. 355. The question was on the substitute No. 2 offered by Senator Corbett.

Senator Bedsole moved that said substitute No. 2 be laid on the table, which motion was lost.

And said substitute No. 2 was then adopted.

Yeas 22; Nays 1.

Yeas:

Senators:	Campbell	Ellis	Mitchem	
Bailey	Corbett	Goodwin	Preuitt	
Barron	Covington	Hale	Rice	
Bedford	Denton	Hand	Smith (B)	
Bennett	Dixon	Hilliard	Windom	
Cabaniss	Drinkard	Langford		—22

Nay: Senator Bedsole —1

And said Bill, S. B. 355, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

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Yeas 22; Nays 1.

Yeas:

Senators:	Cabaniss	Dixon	Hilliard
Bailey	Campbell	Ellis	Langford
Barron	Corbett	Foshee	Mitchem
Bedsole	Covington	Goodwin	Smith (B)
Bennett	deGraffenried	Hale	Windom
Bishop	Denton	Hand	

—22

Nay: Senator Smith (J) —1

BILLS ON THIRD READING RESUMED

Senator Barron requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 622. To amend Section 34-23-70, Code of Alabama 1975, relating to the act of filling prescriptions, so as to allow the board of pharmacy to define the act of filling or compounding prescriptions.

And said Bill, H. B. 622, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Hilliard
Barron	Corbett	Ellis	Langford
Bedford	Covington	Foshee	Mitchem
Bedsole	deGraffenried	Goodwin	Rice
Bennett	Denton	Hale	Smith (B)
Bishop	Dial	Hand	Windom
Cabaniss	Dixon		

—25

Nays: —0

Senator Hilliard requested and received permission to suspend the Rules in order to bring up the Bill:

S. 696. To provide a voluntary checkoff designation of state income tax returns for the United Negro College Fund, Inc.

And said Bill, S. B. 696, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 27; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Hilliard
Bailey	Campbell	Drinkard	Langford
Barron	Corbett	Ellis	Manley
Bedford	Covington	Foshee	Mitchem
Bedsole	deGraffenried	Goodwin	Rice
Bennett	Denton	Hale	Smith (B)
Bishop	Dial	Hand	Windom

—27

Nays: —0

MOTION TO ADJOURN LOST

At 11:38 P.M., Senator Hilliard moved that the Senate adjourn until Thursday, May 4, 1989, which motion was lost.

BILLS ON THIRD READING RESUMED

Senator Rice requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 145. Providing that certain personnel employed by the State Alcoholic Beverage Control Board shall be considered as active members of the state policeman's retirement system retroactive to their original dates of employment by such board for purposes of determining their state retirement benefits; providing that such personnel shall be eligible for such benefits to the same extent as other members under such system, and providing that the additional cost of such credited service shall be paid by the Alcoholic Beverage Control Board.

And said Bill, S. B. 145, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Hilliard	
Bailey	Campbell	Drinkard	Langford	
Barron	Corbett	Ellis	Mitchem	
Bedford	deGraffenried	Foshee	Rice	
Bedsole	Denton	Goodwin	Smith (B)	
Bishop	Dial	Hale	Windom	—23

Nays: —0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Senator Manley, further consideration of all Senate Bills remaining on the Calendar was indefinitely postponed by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 636. To establish a new regulatory and licensing board for the practice of Cosmetology and Barbering; to create the Alabama Board of Cosmetology and Barbering; to provide for suspension and revocation of licenses; to prescribe penalties for certain violations; and to repeal Chapters 5 and 7 of Title 34, Code of Alabama 1975, relating to barbers and cosmetologists.

BILL DRINKARD,
Chairperson.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate

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Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 192	S. J. R. 201	S. J. R. 205
S. J. R. 193	S. J. R. 203	S. J. R. 207
S. J. R. 194	S. J. R. 204	

Delivered to the Governor, May 3, 1989, at 5:39 P.M.

S. B. 309	S. B. 656	S. B. 691
S. B. 366	S. B. 661	S. B. 692
S. B. 518	S. B. 662	S. J. R. 156
S. B. 614	S. B. 663	S. J. R. 218
S. B. 615	S. B. 687	S. J. R. 220

Delivered to the Governor, May 3, 1989, at 5:54 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 11:43 P.M., on motion of Senator Hilliard, in accordance with Joint Resolution and Motion heretofore adopted, the Senate adjourned until Thursday, May 4, 1989, at 10 o'clock A.M.

Yeas 13; Nays 10.

Yeas:

Senators:	Cabaniss	Foshee	Langford	
Bedford	Campbell	Goodwin	Mitchem	
Bedsole	deGraffenried	Hilliard	Smith (B)	
Bishop	Dixon			—13

Nays:

Senators:	Corbett	Dial	Rice	
Amari	Covington	Ellis	Windom	
Bailey	Denton	Hale		—10

TWENTY-EIGHTH LEGISLATIVE DAY

THURSDAY, MAY 4, 1989

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Ann Bedsole, 34th Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Terence Williams, Patterson Elementary School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Mitchem
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Rice
Bedsole	Dial	Hilliard	Sanders
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Cabaniss	Ellis	Langford	Windom

—35

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Seventh Legislative Day was approved by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 234. SPECIAL ORDER CALENDAR.

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RESOLVED BY THE SENATE OF ALABAMA, That the following bills in the order named shall be the continuing and paramount order of business taking precedence over all other matters until disposed of and that committees shall be allowed to report any time during the day.

<u>Inst Id</u>	<u>Page</u>
H. 985	22
Hazardous wastes disposal, fee alt., Act 88-872, 1st special sess. 1988 amd.	
H. 989	22
Hazardous waste generated outside st., imposition, levy collection reg. Act 88-872, 1988 1st sp. sess, amd.	
H. 755	31
Hazardous waste facilities, prohibited from treating cert. waste from cert. other states, Sec. 22-30-11 am'd.	
H. 275	49
Solid waste management plan, director of Dept. of Environmental Management to prepare.	

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 21. Relating to elections; to provide that certain counties shall conduct and complete purges of their voter registration lists by a certain date; to create and establish a state Voter Registration Advisory Board; to establish, operate and maintain a statewide voter registration file under a Director of Voter Registration as a service to county boards of registrars to assist them in updating their voter lists; to prescribe penalties for violations and to provide that this act shall be supplemental to existing election laws.

Also:

S. 117. To amend Section 29-2-41 of the Code of Alabama 1975, relating to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for such committee.

Also:

S. 135. To amend Section 11-81-21 of the Code of Alabama 1975 to add thereto other securities in which municipal or county funds not presently needed for other purposes may be invested.

Also:

S. 207. To allow part time legislative employees who work on a regular basis when the legislature of Alabama is in session to make an additional

contribution into the State of Alabama Employees' Retirement System Fund for additional credit towards retirement.

Also:

S. 217. To amend Section 41-23-22, Code of Alabama 1975, relating to the criteria and number of enterprise zones, so as to increase the authorized number from 25 to 27.

Also:

S. 441. Whenever any health insurance policy, contract, plan or agency certificate provides for reimbursement for any service which is within the lawful scope of practice of licensed registered nurses who have passed a national certification examination for the specialty practice of nurse anesthetist as recognized by the Alabama Board of Nursing, and said services are performed by a certified registered nurse anesthetist as recognized by the Alabama Board of Nursing, then the insured, or any other person covered by the policy, contract, or certificate shall be entitled to reimbursement and payment for such services performed by the Certified Registered Nurse Anesthetist, and said Certified Registered Nurse Anesthetist shall be entitled to direct reimbursement by the insurer, unless the Certified Registered Nurse Anesthetist is employed by contract with a group practice of anesthesiologists or a hospital, then such services shall be reimbursed through the employer, and to provide that nothing in this act shall prohibit a licensed hospital from prescribing in its bylaws, policies, rules, or regulations, the qualifications, training, experience, scope of permissible activities, and level or degree of supervision required of any Certified Registered Nurse Anesthetist employed by or performing services in such hospital.

Also:

S. 480. Relating to competitive bidding on public contracts and public works; amending further section 41-16-57, Code of Alabama 1975, relating to preference being given to Alabama commodities or firms, so as to proscribe specifying the use of materials or systems by a sole source except in certain instances; amending further sections 41-16-51 and 39-2-2, Code of Alabama 1975, providing that contracts entered into in violation of certain statutes shall be void, so as to provide that certain violations will be Class C felonies.

Also:

S. 616. This bill establishes an expense allowance for the sheriff of Jefferson County, Alabama, and provides that this act shall begin immediately and at the beginning of each term of office of said sheriff thereafter; including manner in which said allowance will be paid.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 20. To amend Sections 34-8-1 and 34-8-7, Code of Alabama 1975, to include certain swimming pool contractors in the definition of "general contractor" found within Title 34, Chapter 8, Code of Alabama 1975, and to exclude certain swimming pool contractors from the exemptions found within Section 34-8-7, Code of Alabama 1975.

Also:

S. 27. To amend section 39-1-1, Code of Alabama 1975, which requires bonds from persons contracting with the state or political subdivisions thereof for public works, so as to alter said bonding requirements.

Also:

S. 31. To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

Also:

S. 72. To amend §2-27-11, Code of Alabama (1975), which provides for issuance of permits to purchase restricted use pesticides; to delete the requirement that said permits list the restricted use pesticides authorized to be purchased by the permit holder.

Also:

S. 83. To amend Section 37-4-116 of the Code of Alabama 1975, relating to fees for inspection and supervision of radio utilities, so as to provide further for such fees and to provide for payment on a quarterly basis.

Also:

S. 187. To amend sections 26-16-30 and 26-16-32, Code of Alabama 1975, relating to the Children's Trust Fund, so as to provide further for the administration of the Fund through the establishment of the Child Abuse and Neglect Prevention Board Operations Fund.

Also:

S. 191. To authorize the Alabama Medicaid Agency to contract with a central source, for the procurement of prescription eyewear for qualified sight impaired Medicaid recipients, for periods not to exceed three years.

Also:

S. 220. To amend Section 33-4-48, Code of Alabama 1975, which provides for the compensation of bar pilots, so as to provide further for such compensation.

Also:

S. 224. To amend Section 30-3-61, Code of Alabama 1975, which provides for the implementation of income withholding to satisfy support obligations, so as to authorize immediate income withholding on any order

entered at the request of the department, except in cases where good cause not to do so is determined by the court or there is an agreement between parties not to have immediate implementation of income withholding, and to provide for the implementation of income withholding in such cases when immediate income withholding is not implemented.

Also:

S. 280. To further provide for deductions from the salaries of state employees for employee organizations under certain conditions.

Also:

S. 281. Relating to the operation of motor vehicles and the rules of highway and traffic safety; to amend Sections 32-5-76 and 32-5A-60 of the Code of Alabama 1975, relating to rules of the road so as to further prohibit the spilling, depositing or throwing of foreign materials or litter from a motor vehicle onto a highway, road, street or public right-of-way; to provide for the use of the uniform traffic citation in certain instances for violations; and to provide further for penalties for violations.

Also:

S. 368. To require disclosure of the use and identification of nonoriginal equipment manufacturer after market crash parts.

Also:

S. 419. To amend Section 12-17-61, Code of Alabama 1975, which provides for the number of district court judges, so as to provide three district court judges for Madison County; to provide for the time of establishment of such judgeship No. 3; and to provide for the election of such additional district judge.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 985. To Amend Act No. 88-872 of the 1988 First Special Session by imposing certain additional per ton fees on operators of commercial sites for the disposal of hazardous wastes or hazardous substances.

And said Bill, H. B. 985, was read a third time at length and passed.

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Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Amari	Covington	Goodwin	Mitchem
Bailey	deGraffenried	Hale	Parsons
Barron	Denton	Hand	Rice
Bedsale	Dial	Holmes	Smith (B)
Bennett	Drinkard	Horn	Smith (J)
Cabaniss	Ellis	Langford	Windom
Campbell	Figures		

—29

Nays: —0

Senator Foshee moved that the Senate reconsider the vote by which the Bill, H. B. 985, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 32. Proposing an amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection and assessment programs to be repealed, replaced or superceded; all depending upon ratification by the voters of this amendment.

Also:

S. 637. Proposing an amendment to the Constitution of Alabama to restrict the levy and assessment of sales and use taxes in the City of Talladega, Talladega County and in the City of Childersburg, Talladega County.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 734. To further amend Section 40-23-5, Code of Alabama 1975, as last amended, by Act No. 88-542, S. 204, Regular Session 1988, relating to

the exemption of certain worthy organizations and vendors from the payment of state, county and municipal sales and use taxes, so as to provide for further exemptions of certain county public hospital associations and their lessees and successors organized pursuant to Section 10-3A-1, *et seq.*, Code of Alabama 1975, as amended, nonprofit corporations; and to make the provisions retroactive.

was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Manley	
Amari	Cabaniss	Ellis	Mitchem	
Bailey	Campbell	Figures	Rice	
Barron	Covington	Foshee	Sanders	
Bedford	deGraffenried	Goodwin	Smith (B)	
Bedsole	Denton	Hale	Windom	
Bennett	Dixon	Langford		—26

Nays: —0

THE BILL:

H. 989. To amend Act No. 88-872 of the 1988 First Special Session relative to the tax levied on the disposal of hazardous waste generated outside the State of Alabama to impose a "prevailing rate" fee on such waste.

was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Manley	
Amari	Campbell	Ellis	Mitchem	
Bailey	Corbett	Foshee	Preuitt	
Barron	Covington	Goodwin	Rice	
Bedford	deGraffenried	Hale	Sanders	
Bedsole	Denton	Hilliard	Smith (B)	
Bennett	Dial	Holmes	Smith (J)	
Bishop	Dixon	Langford	Windom	—31

Nays: —0

Senator Foshee moved that the Senate reconsider the vote by which the Bill, H. B. 989, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

THE BILL:

H. 755. To amend Code of Alabama, 1975, §22-30-11, to provide for additional definitions and to prohibit commercial hazardous waste treatment or disposal facilities from accepting hazardous wastes generated in another state which prohibits the treatment, storage, or disposal of hazardous wastes within its own borders, or which refuses or fails to comply with 42 U.S.C. § 9604(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, which requires each state to adequately treat and dispose of all hazardous wastes reasonably expected to be generated

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within that state over the next 20 years through the establishment of a hazardous waste treatment or disposal facility within the state or through the use of a hazardous waste treatment or disposal facility located outside the state in accordance with an interstate agreement or regional agreement or authority.

was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Mitchem
Amari	Corbett	Foshee	Parsons
Bailey	Covington	Goodwin	Preuitt
Barron	deGraffenried	Hale	Rice
Bedford	Denton	Hilliard	Sanders
Bedsole	Dial	Holmes	Smith (B)
Bennett	Dixon	Langford	Smith (J)
Bishop	Drinkard	Manley	Windom
Cabaniss			

—32

Nays: —0

Senator Bennett moved that the Senate reconsider the vote by which the Bill, H. B. 755, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

THE BILL:

H. 275. To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to create a Solid Waste Management Advisory Committee to advise on the development of said plan; to require cities and counties to develop and adopt comprehensive solid waste management plans with the assistance of the Department and the State's Regional Planning and Development Commissions; to require the Regional Planning and Development Commissions to develop a regional solid waste management needs assessment; to require the implementation of such plans; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities for 24 months after the effective date of this act so that such plans can be developed and implemented.

was taken up.

Senator Hale offered the following amendment to the Bill, H. B. 275, to-wit:

AMENDMENT TO H. B. 275

Amend H. B. 275 in Section 10, page 21, line 7, after the period, by adding the following:

"Provided, however, that the moratorium and other provisions of this Section 10, shall not apply to any permit application received by the department during the moratorium, which application seeks to permit a landfill to serve the necessary landfill needs, as determined by the Department, for residue and by-passed solid wastes from the operation of a waste-to-energy facility permitted by the Department prior to the effective date of this act."

On the motion of Senator Corbett, said amendment was laid on the table.

Senator Manley offered the following amendment to the Bill, H. B. 275, to-wit:

AMENDMENT TO H. B. 275

Amend H. B. 275 by inserting on page 19, on line 19 after the language "public.," the following:

Within ninety days of receiving an application or proposal, the local governing body shall either approve the application or deny the application setting forth the reasons therefor. The failure of the local governing body to act on the proposal within ninety days of receiving the application shall constitute approval by said local governing body.

Senator Corbett moved that said amendment be laid on the table, which motion was lost.

Yeas 5; Nays 25.

Yeas:

Senators:	Campbell	Denton	Drinkard	
Bedford	Corbett			—5

Nays:

Senators:	Cabaniss	Foshee	Parsons	
Amari	Covington	Goodwin	Preuitt	
Bailey	deGraffenried	Hale	Rice	
Barron	Dial	Hand	Sanders	
Bedsole	Dixon	Manley	Smith (B)	
Bennett	Ellis	Mitchem	Windom	
Bishop	Figures			—25

And said amendment was then adopted.

Yeas 29; Nays 3.

Yeas:

Senators:	Cabaniss	Figures	Mitchem	
Amari	Campbell	Goodwin	Parsons	
Bailey	Covington	Hale	Preuitt	
Barron	deGraffenried	Hand	Rice	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Dixon	Langford	Smith (B)	
Bennett	Drinkard	Manley	Windom	
Bishop	Ellis			—29

Nays:

Senators:	Corbett	Denton	Smith (J)	—3
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Senator Bedford offered the following amendment to the Bill, H. B. 275, as amended, to-wit:

AMENDMENT TO H. B. 275, AS AMENDED

Amend House Bill 275 on page 19, immediately following line 33, by inserting a new subsection (c) to read as follows:

(c) The implementation of plans required by this Section 9 shall not apply to industrial landfills receiving wastes generated on site only by the permittee.

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Which was adopted.

Yeas 28; Nays 3.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Amari	Covington	Goodwin	Parsons	
Barron	deGraffenried	Hale	Pruitt	
Bedford	Dial	Hand	Rice	
Bedsole	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Bishop	Ellis	Manley	Windom	
Cabaniss				—28

Nays:

Senators:	Corbett	Denton	Smith (J)	—3
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Senator Sanders offered the following amendment to the Bill, H. B. 275, as amended, to-wit:

AMENDMENT TO H. B. 275, AS AMENDED

On the last page, insert the following language as a new Section 11 and renumber the current Section 11 and subsequent Sections accordingly:

Section 11. The provisions of this Act providing for a moratorium shall not apply to landfills where 50% or more of the solid waste received at said landfills is recycled at the site of the landfills.

Which was lost.

Yeas 8; Nays 23.

Yeas:

Senators:	Goodwin	Horn	Pruitt	
Bedford	Hale	Manley	Sanders	
Figures				—8

Nays:

Senators:	Bishop	Dial	Mitchem	
Amari	Cabaniss	Dixon	Parsons	
Bailey	Campbell	Ellis	Rice	
Barron	Covington	Foshee	Smith (B)	
Bedsole	deGraffenried	Hand	Smith (J)	
Bennett	Denton	Langford	Windom	—23

Senator Sanders then offered the following amendment No. 2 to the Bill, H. B. 275, as amended, to-wit:

AMENDMENT TO H. B. 275, AS AMENDED

On the last page, insert the following language as a new Section 11 and renumber the current Section 11 and subsequent Sections accordingly:

Section 11. Any application approved by A.D.E.M. during the moratorium period pursuant to solid waste siting shall encourage recycling of said solid waste.

Which was adopted.

Yeas 30; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Amari	Campbell	Figures	Mitchem	
Bailey	Covington	Foshee	Parsons	
Barron	deGraffenried	Goodwin	Preuitt	
Bedford	Denton	Hand	Rice	
Bedsole	Dial	Hilliard	Sanders	
Bennett	Dixon	Holmes	Windom	
Bishop	Drinkard	Langford		—30

Nays:

Senators:	Corbett	Smith (J)	—2
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Senator Parsons offered the following amendment to the Bill, H. B. 275, as amended, to-wit:

AMENDMENT TO H. B. 275, AS AMENDED

Amend H. B. 275 as follows:

On page 5, line 24, after the word “an”, delete “eleven” and insert the following:

twelve

On page 6, line 4, after the “semi-colon” insert the following:

President of the Alabama Conservancy;

Which was adopted.

Yeas 33; Nays 1.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Mitchem	
Bailey	Covington	Hale	Parsons	
Barron	deGraffenried	Hand	Preuitt	
Bedford	Denton	Hilliard	Rice	
Bedsole	Dial	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Ellis	Langford	Windom	
Cabaniss	Figures			—33

Nay: Senator Smith (J) —1

Senator Dial offered the following amendment to the Bill, H. B. 275, as amended, to-wit:

AMENDMENT TO H. B. 275, AS AMENDED

Amend House Bill 275 on Page 21, Line 3, after the word “jurisdiction” by adding the following language:

“based upon substantive criteria to be established by rule of the State Board of Health”.

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Which was adopted.

Yeas 31; Nays 2.

Yeas:

Senators:	Cabaniss	Ellis	Langford	
Amari	Campbell	Foshee	Manley	
Bailey	Covington	Goodwin	Mitchem	
Barron	deGraffenried	Hale	Parsons	
Bedford	Denton	Hand	Rice	
Bedsole	Dial	Hilliard	Sanders	
Bennett	Dixon	Holmes	Smith (B)	
Bishop	Drinkard	Horn	Windom	—31

Nays:

Senators:	Corbett	Smith (J)	—2
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And said Bill, H. B. 275, as thus amended, was read a third time at length and passed.

Yeas 35; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Amari	Corbett	Foshee	Mitchem	
Bailey	Covington	Goodwin	Parsons	
Barron	deGraffenried	Hale	Preuitt	
Bedford	Denton	Hand	Rice	
Bedsole	Dial	Hilliard	Sanders	
Bennett	Dixon	Holmes	Smith (B)	
Bishop	Drinkard	Horn	Smith (J)	
Cabaniss	Ellis	Langford	Windom	—35

Nays: —0

Senator Bennett moved that the Senate reconsider the vote by which the Bill, H. B. 275, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

REPORTS OF COMMITTEES

Senator Bishop, Chairperson of the Standing Committee on Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Turnham, Hamilton, Mikell, and Williams:

H. 356. To create and establish a special abandoned mine land reclamation trust fund to receive and retain up to 10 per centum of the appropriated funds granted annually by the Secretary of the U.S. Department of Interior for the reclamation of abandoned mine lands in Alabama.

Senator Foshee, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on

the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Hooper:

H. 244. To provide for the reopening of the employees' retirement system for certain active members who had employment with the Alabama legislature prior to 1979.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Hooper:

H. 308. To provide that appeals from death sentence cases and from post conviction writs involving such cases shall be directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

By Rep. Butler:

H. 742. To amend section 12-15-1, Code of Alabama 1975, which relates to juvenile proceedings, so as to further define "delinquent act."

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Moon, Freeman, Richardson, Hamilton, Blakeney, Lindsey, Warren, and Bryant:

H. 133. To amend Section 41-16-21, Code of Alabama 1975, as last amended, relating to certain contracts for which competitive bidding is not required, so as to provide that advertising of the state parks by the department of conservation and natural resources shall be exempt from such bidding requirements.

By Reps. Moon, Richardson, and Hamilton:

H. 134. To amend Section 9-14-27, Code of Alabama 1975, as last amended, relating to the lengths of the terms of state parks concession contracts, so as to provide for an increase in the lengths thereof.

By Rep. Venable:

H. 252. To amend Section 11-45-2, Code of Alabama 1975, so as to provide that in all towns and in cities of less than 12,000 population, no ordinance or resolution, intended to be of permanent operation shall become a law unless on its final passage a majority of the members elected to the Council, including the Mayor, shall vote in its favor.

By Rep. Butler:

H. 879. To amend Section 11-42-100.1, Code of Alabama 1975, which provides for the procedure of consolidating contiguous municipalities, so as

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to alter the number of voters signing the petition calling for a referendum on the question of consolidation.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Lindsey (With Notice and Proof):

H. 1087. Relating to Cleburne County; fixing the fee for the issuance of pistol permits in the county and providing for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund.

By Rep. Warren (With Notice and Proof):

H. 1086. Relating to Conecuh County; to repeal Sections 8 and 9 of Act No. 86-322 of the 1986 Regular Session which relates to the composition, power and duties of the county governing body, so as to repeal the provisions pertaining to the county administrator and the county engineer.

By Rep. Blake (With Notice and Proof):

H. 1081. Relating to St. Clair County; amending Section 16 of Act No. 1728, H. 2522, 1971 Regular Session, which provides for travel expenses incurred by the members of the county commission in road inspections, so as to provide further for such expenses.

By Rep. Mathis (With Notice and Proof):

H. 1079. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Geneva in Geneva County; and to repeal sections 2 and 3 of Act No. 499, H. 566, 1961 Regular Session (Acts 1961, p. 597), relating to ad valorem taxation exemptions for certain territory within the corporate limits of the municipality of Geneva.

By Rep. Newman (With Notice and Proof):

H. 1078. Relating to Lamar County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Lamar County; and providing for a referendum election.

By Rep. Butler (With Notice and Proof):

H. 1039. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County, annexing certain territory to the city.

By Reps. Hall, Freeman, Brooks, Sanderford, and Butler:

H. 1028. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Madison County Commission to excavate human graves.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Burke (With Notice and Proof):

H. 994. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Hammondville in DeKalb County.

By Rep. Burke (With Notice and Proof):

H. 993. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Valley Head in DeKalb County.

By Rep. Freeman (With Notice and Proof):

H. 921. Relating to Madison County; granting to the Madison County Commission the power by ordinance to regulate and prevent the running at large of dogs and to pass all ordinances necessary for the impounding and sale of such dogs and the destruction of such dogs.

By Rep. Butler (With Notice and Proof):

H. 911. Relating to the City of Madison in Madison County, Alabama; to authorize the City Council, by ordinance, to regulate blasting and the storage, keeping, hauling and use of explosives.

By Rep. Adams (With Notice and Proof):

H. 772. Relating to Phenix City; to amend section 3.01 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78), as amended, which provides for a council manager form of government in certain municipalities based on a population classification, so as to provide further for the holding of municipal elections.

By Rep. White (L) (With Notice and Proof):

H. 763. Relating to Tallapoosa County; authorizing the county commission to levy an additional annual license tax and registration fee upon motor vehicles in the county and providing for the disposition of the tax.

By Reps. Hill and Knight (With Notice and Proof):

H. 683. Relating to Shelby County; providing further for zoning regulations in unincorporated and incorporated areas within the county; transferring certain lands and property from an incorporated area to an unincorporated area within the county; providing that any zoning regulations or restrictions currently affecting certain property located within incorporated areas shall continue to affect said property after the transfer of same.

By Rep. White (L) (With Notice and Proof):

H. 112. To authorize nonprofit organizations in Tallapoosa County to hold raffles, cake walks and turkey shoots for fund raising purposes.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Mikell:

H. 268. To limit the amounts of judgments rendered against employees, officers, officials and servants of governmental entities as a result of acts committed within the scope of their employment, and to limit such judgments to recovery for those acts involving willful or wanton conduct.

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By Reps. Rains and Moon:

H. 397. To prohibit the operation of vessels with children on board unless each child is wearing a United States Coast Guard approved life preserver, and to provide for penalties.

By Reps. Butler, Burke, Drake, Fuller, Clark (J), Adams, Beers, Grouby, Hooper, Gray, Starkey, Goodwin, Seibels, Moon, Newman, Richardson, Freeman, Brooks, Sanderford, Spratt, Johnson (RW), Melton, White (G), Bugg, Kvalheim, Blakeney, Rains, Carter, Harvey, McClain, Payne, Petelos, Wright, Hamilton, Dillard, Marks, Biddle, Curry, Slaughter, Logan, Higginbotham, Campbell, Flowers, Turnham, Cosby, Gaston, Zoghby, Turner, Penry, McKee, Mikell, Hill, McMillan, Breedlove, Clark (W), White (L), Beasley, Williams, Poole, Johnson (RG), Mathis, Carothers, Holmes, Willis, Crow, Hogan, and Bryant:

H. 409. To amend Section 13A-5-40, Code of Alabama 1975, which provides for capital offenses, so as to include murder committed while trafficking in controlled substances as a capital offense.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Perdue:

H. 77. To exempt the Alabama School of Fine Arts Foundation in Birmingham, Alabama, from the payment of all state, county and municipal sales and use taxes.

By Reps. Zoghby, Gaston, Kvalheim, and Harper:

H. 175. To provide that all persons now employed by the University of South Alabama Medical Center who were employed by Mobile General Hospital may purchase credit for up to five years for such service under the State Employees' Retirement System.

By Rep. Hill:

H. 362. To amend Section 40-16-6, Code of Alabama 1975, which relates to the payment and distribution of financial institution excise tax, so as to permit all incorporated municipalities to levy privilege license taxes on financial institutions.

By Rep. Moon:

H. 489. To provide for participation of employees of regional and local legislative delegation offices in the state employees' retirement system.

By Rep. Hill:

H. 1007. To amend Section 41-9-73, Code of Alabama 1975, as amended, so as to increase the annual appropriations to the Board of Adjustment for payment of claims and death benefits.

By Rep. White (L):

H. 591. To provide for the publishing of the annual annotated cumulative supplements and other upkeep services to the Code of Alabama 1975, and any subsequent editions, and for the sale of any said Code and such

upkeep services, under the supervision and direction of the Legislative Council; and to authorize the Governor, from time to time, to enter into a contract for the performance of such services.

By Reps. Flowers, Holley, and Williams:

H. 826. To provide for the reopening of the Teachers' Retirement System of Alabama to those members who prior to the effective date of this act have previous employment with a school operated by the Department of Defense of the United States of America. To provide for the calculation for the cost of the purchase of such service and to provide for a termination date.

By Rep. Harvey:

H. 969. To authorize any quasi-public or private hospital which was previously a public hospital to give cost-of-living increases to any retiree of the employees' retirement system who was employed by any such hospital when it was a public hospital and who was a member of the employees' retirement system during such employment; and to provide that such cost-of-living increases may be granted from certain foundation or trust funds established from hospital earnings during the time the hospital was a public facility.

By Rep. Buskey (JL):

H. 528. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended; providing that the Legislature may make appropriations from state funds for expenses of the executive, legislative and judicial functions of state government and for general public educational purposes in one or more general appropriation bills; also, providing that the Legislature may make appropriations from state funds to non-state agencies in one or more appropriation bills designated for such purpose.

The above Bill was read a second time at length as required by the Constitution.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Lindsey:

H. 932. To amend further section 40-17-224, Code of Alabama 1975, relating to the use of proceeds from an additional excise tax levied on gasoline, motor fuel and lubricating oil, so as to provide further for the use of such proceeds.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Penry:

H. 589. To further provide for exemptions from ad valorem taxation, so as to include the property of shrimpers used in their trade; and to amend

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Section 40-9-1, Code of Alabama 1975, as amended, relating to ad valorem exemptions.

By Rep. Grouby:

H. 1000. To allow survivors of the attack on Pearl Harbor to purchase distinctive motor vehicle license plates or tags; to prohibit the transfer of such plates; to prescribe the manner of charging for such license plates or tags; and to provide for the duties and powers of the commissioner of revenue and the probate judge or license commissioner.

By Rep. Harper:

H. 982. To amend Chapter 18, Title 40, Code of Alabama 1975, to provide conformity with the current federal Internal Revenue Code by amending sections 40-18-160, 40-18-161, 40-18-162, 40-18-164, 40-18-165, 40-18-166, 40-18-169, 40-18-170, by adding new sections 40-18-174 and 40-18-175, altering the income tax treatment of resident Alabama S corporation shareholders to more closely conform to partnership income tax rules, and allowing the filing of composite tax returns on behalf of nonresident shareholders.

By Rep. Campbell:

H. 90. To amend Section 40-18-19 of the Code of Alabama 1975, relating to retirement benefits being exempted from income taxes so as to provide further for the exemption of United States government retirement annuities and to amend Section 40-18-20 relating to military retirement benefits being exempted from income taxes so as to provide further for said exemption.

By Reps. Gray, Dillard, Petelos, Butler, Carter, Cosby, Turnham, Hamilton, Layson, Starkey, Colvin, Clark (J), Gaston, Burke, Zoghby, White (F), Beers, Harvey, Payne, Wright, Newton (D), Spratt, Bugg, Newman, Johnson (RG), Newton (C), Mathis, Box, Campbell, Poole, Blake, Hammett, Higginbotham, Harper, White (L), Haynes, Ford, Rains, Headley, Curry, Slaughter, Logan, Marks, Freeman, Sanderford, Brooks, Moon, Goodwin, McKee, Walker, Hogan, Frazier, Willis, Crow, and Carothers:

H. 1051. To require the Department of Public Safety to provide certain information to boards of registrars on persons acquiring drivers' licenses outside of the state; to authorize the boards of registrars to delete the names of said persons from voter registration lists; and to provide for certain exemptions for persons in the armed forces.

By Reps. Grouby, Headley, and Hogan:

H. 957. To amend Section 17-4-156 of the Code of Alabama 1975, as last amended, relating to the session days for certain boards of registrars, so as to provide further for the session days for the board of registrars for Autauga County, Walker County and Chilton County.

By Reps. Carothers and Johnson (RG):

H. 637. To provide further for the protection of man and animals from rabies; to provide for immunization of domestic animals; to establish a fee schedule; to provide for penalties and impoundment of animals and their disposition; to provide further for rabies officers; and to repeal sections 3-7-1 through 3-7-13, Code of Alabama 1975.

By Rep. Richardson:

H. 100. To provide for the reopening of the Employees' Retirement System of Alabama to those members who prior to the effective date of this act have previous employment with a city, county, or a political subdivision thereof of the State of Alabama for which they are ineligible to gain service credit.

By Reps. Gray, Dillard, Petelos, Butler, Carter, Cosby, Turnham, Hamilton, Layson, Starkey, Colvin, Clark (J), Gaston, Burke, Zoghby, White (F), Beers, Harvey, Payne, Wright, Newton (D), Spratt, Bugg, Newman, Frazier, Willis, Crow, Carothers, Johnson (RG), Newton (C), Mathis, Campbell, Box, Poole, Blake, Hammett, Higginbotham, White (L), Haynes, Ford, Rains, Headley, Curry, Slaughter, Logan, Marks, Freeman, Sanderford, Brooks, Moon, Goodwin, McKee, Walker, Hogan, and Harper:

H. 1052. To provide that the bureau of vital statistics shall furnish to the boards of registrars a list of previously deceased persons.

By Reps. Buskey (JE), Spratt, Clark (W), Grayson, Clay, McClain, Newton (D), Rogers, McDowell, Buskey (JL), Black, Davis, Holmes, Bryant, and Melton:

H. 1069. To amend section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of state employees for certain charitable organizations, so as to include the United Negro College Fund, Inc., within the list of qualified charities.

By Reps. Buskey (JE), Spratt, Clark (W), Grayson, Clay, McClain, Newton (D), Rogers, McDowell, Buskey (JL), Black, Davis, Holmes, Bryant, and Melton:

H. 1068. To provide a voluntary checkoff designation of state income tax returns for the United Negro College Fund, Inc.

By Rep. Harper:

H. 806. To amend Section 11-18-3, Code of Alabama 1975, relating to the appointment of a board of trustees for the acquisition and maintenance of lands and property for public use, so as to provide that the governing body of any municipality located on an island shall appoint additional members to such board of trustees.

By Rep. Butler:

H. 14. To further amend Section 23-2-147, Code of Alabama 1975, as amended, relating to the Alabama Toll Road, Bridge and Tunnel Authority and the form, premium yield and procedures, so as to set the rate of yield to the competitive rate at the time the bond issue is formed.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Johnson (RG):

H. 331. To propose a constitutional amendment to Amendment 81 of the Constitution of Alabama of 1901, relating to the holding of courts of record and the establishment and abolition of branch courthouses and divisions of circuit court, so as to provide that habeas corpus and coram nobis

proceedings in circuit court may be held at any correctional institution operated under the direction and control of the State Department of Corrections wherein the person seeking the writ is confined; to provide for security during such proceedings; to delete those provisions of Amendment 81 that are in conflict with Amendment 328 to the Constitution of Alabama of 1901, as amended, and to provide for an election on the proposed amendment and notice thereof.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Beasley:

H. 533. To amend Section 32-5A-7, Code of Alabama 1975, relating to emergency vehicles, so as to exempt any police vehicle operated by a police officer in the surveillance or apprehension of persons charged or suspected of violating any law from the provisions of the section.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Hall (With Notice and Proof):

H. 771. Relating to Madison County and emergency telephone service charges so as to further provide for the rate process in the county on such service; providing for certain advisory referenda called by the county commission on certain increases; and providing for additional information to be listed on ballot in referendums on question of emergency telephone service charge; and providing for the provisions of this act to be applicable retroactively to any referenda on such charges held within the last eighteen months from the effective date of this act, and thereafter.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Kvalheim, Penry, and Zoghby:

H. 1077. To amend Section 36-29-1, Code of Alabama 1975, which defines "employee" for state employees' health insurance purposes, so as to include employees of the USS Alabama Battleship Commission within said definition.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Melton, Davis, and McClain (With Substitute):

H. 876. To amend Sections 16-49-20, 16-49-26, 16-49-27 and 16-49-28 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University board of trustees so as to change the qualifications of a candidate for trustee; to redefine the time, frequency and manner of convening; to reduce the number required for a quorum; and to provide for payment of expenses to ex officio members.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Sanderford, Hall, and Brooks:

H. 1076. To propose an amendment to the Constitution of Alabama of 1901 pertaining only to Madison County so as to establish a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner upon the expiration of the current terms of office of tax assessor and tax collector; to prescribe the powers, duties, compensation and term of office of said county revenue commissioner and provide for his election; and to abolish the county offices of tax assessor and tax collector in Madison County.

The above Bill was read a second time at length as required by the Constitution.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Biddle and Payne (With Notice and Proof):

H. 1072. Relating to Jefferson County, to limit the amount of occupational license fees which can be levied or collected by the county government.

By Reps. Gray, Perdue, Spratt, Newton (D), Beers, Rogers, Petelos, Curry, Seibels, Slaughter, Wright, McClain, McDowell, and White (G) (With Notice and Proof):

H. 1071. To authorize the pension board established by Act Number 393 of the 1975 Regular Session of the Legislature of Alabama for officers and employees of library board in cities having a population of 300,000 or more according to the 1970 or any subsequent census, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other person's dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said pension board shall be authorized to increase such benefits.

By Reps. Spratt, Perdue, and Escott (With Notice and Proof):

H. 458. Relating to the City of Birmingham, Jefferson County, Alabama; providing for the election of the members of the city board of education from single-member districts.

By Rep. Rogers (With Notice and Proof):

H. 576. Relating to the City of Birmingham in Jefferson County, amending Act No. 215, S. 278, 1947 Regular Session, which established the Alabama State Fair Authority, so as to provide further for the auditing of the authority.

By Rep. Escott (With Notice and Proof):

H. 850. To amend Act No. 87-793, H. 648 of the 1987 Regular Session (Acts of 1987, p. 1553), relating to the Jefferson County Flood Control Authority, so as to further regulate the power of the Authority to issue bonds.

By Rep. Slaughter (With Notice and Proof):

H. 1002. Relating to Jefferson County; establishing a residency requirement for Jefferson County Commissioners.

By Rep. White (G) (With Notice and Proof):

H. 987. To grant the City of Homewood the right to demolish unsafe buildings; and to provide further for the following: The procedure for a determination of the ownership of the real property or building and notice of a hearing; the procedure for holding the hearing before the city governing body; the procedure for appeal to the circuit court; the right of the city to obtain a lien for the cost of demolition; the authority to assess against property sold to the State of Alabama for taxes; the method of collection of assessments.

By Rep. McClain (With Notice and Proof):

H. 1030. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Brighton in Jefferson County.

By Reps. Davis and McClain (With Notice and Proof):

H. 872. Relating to Jefferson County; to provide for the compensation and other benefits for the Tax Assessor and the Tax Collector and for method of payment and funding.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 74. To amend §2-27-9, which provides for registration of pesticides and for appealing the action of the Commissioner in refusing to register a pesticide by increasing registration fees from \$15.00 per year to \$50.00 per year and to provide a delinquent penalty of \$50.00; to provide for registration of special local needs pesticides.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 342. To amend Sections 11-89-1, 11-89-3, 11-89-4, 11-89-5, 11-89-6, 11-89-7, 11-89-13, 11-89-17, and 11-89-18, of the Code of Alabama 1975 pertaining to water, sewer and fire protection districts so as to provide for the creation of districts as public corporations under Chapter 89 of Title 11 of the 1975 Code which would act as providers at wholesale of water or sanitary sewer service to municipalities, counties or other public corporations in the state or to particular customers of such municipalities, counties or public corporations at their written request, by providing for the incorporation of such supply districts, the amendment of their certificates of incorporation, election of their directors, and their powers, to empower any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state to contract with such supply districts, including "take-or-pay" contracts, to authorize provisions for the dissolution of the district, to provide that the existence of a district shall not prevent the incorporation of another, to reduce the required number of directors of any district under the said Chapter 89 from five to three, and to reinsert provisions of Section 11-89-6 of the Code of Alabama 1975 which were deleted therefrom by mistake in 1986, and to make conforming changes in the aforesaid Sections to effectuate all of the foregoing.

Also:

H. 73. To amend Section 36-30-1 of the Code of Alabama 1975, relating to compensation for the death of peace officers and firemen so as to provide that the definition of peace officers shall include university police officers.

Also:

H. 1006. To amend the state "casual" sales and use taxes levied under Sections 40-23-101 and 40-23-102 of the Code of Alabama 1975, as last amended by Act No. 867, H. 18 of the First Special Session 1988, to include any mobile home purchased other than at wholesale, from any person, firm or corporation which is not a licensed dealer engaged in selling mobile homes; to provide for the collection of said taxes; and to provide for the effective date.

Also:

H. 121. To amend the following sections of Chapter 89A of Title 11 of the Code of Alabama 1975, relating to solid waste disposal authorities, for the following purposes: Section 11-89A-1, relating to legislative findings, so as to take account of the possibility of joint incorporation of such authorities by two or more counties or municipalities; Section 11-89A-2 relating to definitions, so as to provide that the term "revenues" shall include the proceeds of any special tax to which an authority may be entitled and to add the definition of "special tax"; Sections 11-89A-3, 11-89A-4 and 11-89A-5, relating to filing of application for incorporation of an authority, authorization of incorporation of an authority by a governing body of a county or a municipality or any two or more thereof, contents, execution and filing of a certificate of incorporation, and procedure for amendments to certificates of incorporation; Section 11-89A-6, relating to the board of directors of an authority, so as to provide for election, terms of office, vacancies, qualifications, expenses and impeachment; Section 11-89A-8, relating to powers of an authority and location of facilities of an authority, so as to provide that the power of an authority to pledge for the payment of any bonds issued or assumed by the authority its revenues shall include the pledge of proceeds of any special tax to which such authority may be entitled and to provide that any facility or facilities of an authority may be

located at such places, within or without the boundaries of its determining subdivisions, as it considers necessary or advisable, subject to the requirement that the governing body of any county or municipality other than a determining subdivision with respect to an authority must give its prior consent to the location in such county or municipality of any facility or facilities owned or operated by such authority in such county or municipality, and to provide that an authority shall not have the power to levy any taxes; Section 11-89A-9, relating to bonds of an authority, so as to make necessary changes in detail relating to the possibility of joint incorporation of an authority by two or more counties or municipalities; Section 11-89A-15, relating to cooperation, aid and agreements from and with other bodies, so as to provide that any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state may transfer to an authority the proceeds of any special tax which may be levied for the benefit of such authority or any facility owned or operated by such authority or the proceeds of which may have been appropriated, allocated or apportioned to such authority, or to or for the benefit of any such facility, by the Legislature or by the governing body of a county of municipality; Section 11-89A-19, relating to disposition of net earnings of an authority, so as to provide that net earnings of an authority may, in the discretion of its board of directors, be paid to one or more of its determining subdivisions; Section 11-89A-21, relating to dissolution of an authority and vesting of title to an authority's property upon such dissolution, so as to provide that upon dissolution of an authority, the title to all its property shall vest in one or more counties or municipalities in such manner and interests as may be provided in the authority's certificate of incorporation and that if such certificate of incorporation contains no provision respecting the vesting of title to the properties of the authority, title to all such property shall thereupon vest in its determining subdivisions as tenants in common; and to provide that the provisions of this act shall be severable.

Also:

H. 518. Relating to the Teachers' Retirement System of Alabama, providing that any person employed in a circuit clerk's office may purchase credit for such service regardless of the manner in which such funds were paid or the source of such funds' providing for the cost of such credited service and providing for the expiration of this act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 622. To amend Section 34-23-70, Code of Alabama 1975, relating to the act of filling prescriptions, so as to allow the board of pharmacy to define the act of filling or compounding prescriptions.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

RESOLUTIONS

Senator Dixon offered the following Senate Resolution, to-wit:

S. R. 235. CONGRATULATING JOHN A. GARRETT OF SNOW-
DOWN, ALABAMA, ON THE OCCASION OF HIS 80TH BIRTHDAY.

Which was filed.

Senators Smith (*J*) and Denton offered the following Senate Resolution, to-wit:

S. R. 236. COMMENDING WILLIAM L. HANBERRY FOR DIS-
TINGUISHED SERVICE TO LAUDERDALE COUNTY.

Which was filed.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Brigadier General, Line, James E. Moore, as Assistant State Adjutant General, Army National Guard

On motion of Senator Dial, the appointment of General Moore was confirmed by the Senate.

Yeas 28; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Horn
Amari	Corbett	Figures	Langford
Bailey	Covington	Foshee	Manley
Bedford	deGraffenried	Goodwin	Rice
Bedsole	Denton	Hale	Sanders
Bennett	Dial	Hilliard	Smith (B)
Bishop	Dixon	Holmes	Windom
Cabaniss			

—28

Nays:

—0

RESOLUTIONS

Senator Corbett offered the following Senate Joint Resolution, to-wit:

S. J. R. 237. CREATING A SENATE INTERIM COMMITTEE ON SENATE RULES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That there is hereby created a Senate interim committee to study the rules of the Senate. The committee shall be composed of ten members of the Senate, to be appointed by the presiding officer of the Senate. The Secretary of the Senate and the Assistant Secretary of the Senate shall serve in advisory capacities. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

Upon the request of the chairman, the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Senate not later than the 5th legislative day of the 1990 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$5,000.00.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dixon, deGraffenried, Covington, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Denton, Dial, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hilliard, Holmes, Horn, Langford, Manley, Mitchem, Parsons, Preuit, Rice, Sanders, Smith (B), Smith (J), and Windom offered the following Senate Resolution, to-wit:

S. R. 238. COMMENDING SECRETARIES AND A CERTAIN SECRETARY AT HAND.

WHEREAS, the nation's economy is fueled by the energy of secretaries and this fact is recognized through the annual observance of National Secretaries Week; and

WHEREAS, accomplished secretaries have many traits in common including loyalty, dedication, perseverance, persistence, unselfishness and industriousness; and

WHEREAS, although the majority of secretaries also are attractive, pretty or even "cute," looks are by no means all that count, as is the case with a recent newcomer to the secretarial field; and

WHEREAS, our colleague, Senator Perry Hand of Gulf Shores, has been appointed Secretary of State by Governor Guy Hunt and, while lacking such essential secretarial skills as legible penmanship, a working knowledge of an efficient filing system, and other abilities traditional to the field, Senator Hand has taken steps to correct many of these inadequacies; and

WHEREAS, it is our understanding that he has undertaken typing lessons to replace his usual hieroglyphics and has admitted that there are filing categories other than "miscellaneous;" and

WHEREAS, we note, however, that Senator Hand does bring one or two qualifications to his new position including an engineering degree that will be most beneficial in surveying the issues at hand and in measuring (or causing) stress in the workplace; and

WHEREAS, he also possesses the sense of humor so necessary for secretaries, albeit that his is not always understood and even less often appreciated; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That in coincidence with National Secretaries Week, we hereby most highly commend and congratulate Alabama's newest and most prominent member of that field, Secretary of State Perry Hand of Gulf Shores, Alabama.

BE IT FURTHER RESOLVED, That Secretary Hand be presented with a copy of this resolution written in shorthand that he may later, and at his leisure, transcribe this message of friendship and well-intended humor.

Which was adopted.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 239. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the twenty-eighth legislative day of the 1989 Regular Session only:

<u>Inst Id</u>	<u>Page</u>
H. 800	48
Insurance; health and disability rate adjustments to have approval of commissioner; certain information to be filed with department.	
H. 40	34
Ad valorem and homestead exemptions based on age, disability or income, manner to continue further provided, Sec. 40-7-2.1 am'd.	
H. 677	9
Worthless Checks	

RECESS

At 11:55 A.M., on motion of Senator Drinkard, the Senate took a recess until 1:30 P.M. this afternoon.

At 1:30 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. R. 239

The Senate proceeded to further consideration of the Resolution, S. R. 239.

On motion of Senator Drinkard, said Resolution was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 800. To require approval by the commissioner of insurance of adjustments in health and disability insurance rates and require that insurance companies file certain information with the insurance department.

The Standing Committee on Judiciary reported the following substitute for the Bill, H. B. 800, to-wit:

SUBSTITUTE FOR H. B. 800

**A BILL
TO BE ENTITLED
AN ACT**

To require approval by the commissioner of insurance of adjustments in health and disability insurance rates and require that insurance companies and health care service organizations file certain information with the insurance department.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. All adjustments, revisions or changes in health or disability insurance rates must be approved by the commissioner of insurance prior to adoption by the company or health care service organization seeking said adjustment, revision or change. If within 30 days, the commissioner fails to approve or disapprove any adjustment, revision or change in health and disability insurance rates after receiving the adjustment, revision or change, then said adjustment, revision or change shall become effective 30 days after expiration of the initial 30-day period. The commissioner is hereby authorized to promulgate rules and regulations, not inconsistent with this act, to implement the provisions of this act.

Section 2. Every policy, rider or endorsement form affecting health or disability benefits, which is submitted for approval by the insurance department, shall be accompanied by a rate filing unless such rider or endorsement form does not require a change in the rate. Any subsequent addition to or change in rates applicable to such policy, rider or endorsement shall also be filed.

Section 3. It is also the purpose of this bill is to provide appropriate guidelines for the submission and the filing of individual health or disability insurance rates and to establish standards for determining the reasonableness of the relationship of benefits to premiums. Each rate submission shall include an actuarial memorandum describing the basis on which rates were determined and shall indicate and describe the calculation of the ratio of the present value of the expected benefits to the present value of the expected premiums over the entire period for which rates are computed to provide

coverage. Each rate submission must also include a certification by a qualified actuary that to the best of the actuary's knowledge and judgment the entire rate filing is in compliance with the applicable laws and regulations of the state and that the benefits are reasonable in relation to premiums.

Section 4. Filings of rate revisions for a previously approved policy, rider, or endorsement form shall also include the following:

1. A statement of the scope and reason for the revision, and an estimate of the expected average effect on premiums, including the anticipated loss ratio for the form.

2. A statement as to whether the filing applies only to new business, only to in-force business, or both, and the reasons therefore.

3. A history of the experience under existing rates, including, if available and appropriate, the ratios of actual claims to the claims expected according to the assumptions underlying the existing rates. Additional data shall include: substitution of actual claim run-offs for claim reserves and liabilities; determination of loss ratios with the increase in policy reserves subtracted from premiums rather than added to benefits; accumulation of experience fund balances; substitution of net level policy reserves for preliminary term policy reserves; reserve adjustments arising because of select period loss experience; adjustment of premiums to an annual mode basis; or other adjustments or schedules suited to the form and to the records of the company. All additional data must be reconciled, as appropriate, to the required data.

4. The date and magnitude of each previous rate change, if any.

Section 5. Provided, however, the provisions of this act do not apply to credit life policies.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of this act are supplemental. It shall be construed in pari materia with other laws regulating health and disability insurance rates; however those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Judiciary then reported the following amendment to the substitute for the Bill, H. B. 800, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 800

Amend the substitute for H. 800, Section 1, Page 1, Line 25 by inserting the word individual at the beginning of said line.

Further amend the substitute for H. 800, Section 2, Page 2, Line 4, after the word "affecting" by inserting the word individual.

Further amend the substitute for H. 800, Section 4, Page 2, Line 27, after the word "form" by inserting the following language: affecting individual health or disability benefits.

Further amend the substitute for H. 800, Section 7, Page 3, Line 26, after the word "regulating" by inserting the word individual.

On motion of Senator Bailey, said amendment was laid on the table.

Senator Bailey then offered the following substitute for the Committee substitute for the Bill, H. B. 800, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR H. B. 800

**A BILL
TO BE ENTITLED
AN ACT**

To require approval by the commissioner of insurance of adjustments in health and disability insurance rates and require that insurance companies and health care service organizations file certain information with the insurance department; to mandate conversion rights for an employee or a member or his or her dependents under a group policy delivered or issued for delivery in this state which provides hospital, surgical or major medical expense insurance or any combination thereof, when said employee or member dies or when said employee's, member's or a dependent's group insurance has been terminated for any reason except: (a) nonpayment of any required contribution; or (b) replacement of any discontinued group coverage with similar group coverage within 31 days; to prescribe certain minimum benefit levels and the scope of coverage to be contained within the converted policy; to allow for termination of coverage under the converted policy due to an insured becoming eligible for Medicare coverage or coverage under any other group policy or plan; and to allow for optional group coverage in lieu of the issuance of a converted individual policy.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. All adjustments, revisions or changes in health or disability insurance rates must be approved by the commissioner of insurance prior to adoption by the company or health care service organization seeking said adjustment, revision or change. If within 30 days, the commissioner fails to approve or disapprove any adjustment, revision or change in health and disability insurance rates after receiving the adjustment, revision or change, then said adjustment, revision or change shall become effective 30 days after expiration of the initial 30-day period. Insurance companies and health service organizations offering health and disability insurance contracts for sale in Alabama shall give 30 days written notice to policyholders prior to the effective date of the rate adjustment, revision or change. Changes which have the effect of reducing benefits shall be treated as a rate adjustment for the purpose of this act. The commissioner is hereby authorized to promulgate rules and regulations, not inconsistent with this act, to implement the provisions of this act.

Section 2. Every policy, rider or endorsement form affecting health or disability benefits, which is submitted for approval by the insurance department, shall be accompanied by a rate filing unless such rider or endorsement form does not require a change in the rate. Any subsequent addition to or change in rates applicable to such policy, rider or endorsement shall also be filed.

Section 3. It is also the purpose of this bill is to provide appropriate guidelines for the submission and the filing of individual health or disability insurance rates and to establish standards for determining the reasonableness of the relationship of benefits to premiums. Each rate submission shall include an actuarial memorandum describing the basis on which rates were

determined and shall indicate and describe the calculation of the ratio of the present value of the expected benefits to the present value of the expected premiums over the entire period for which rates are computed to provide coverage. Each rate submission must also include a certification by a qualified actuary that to the best of the actuary's knowledge and judgment the entire rate filing is in compliance with the applicable laws and regulations of the state and that the benefits are reasonable in relation to premiums.

Section 4. Filings of rate revisions for a previously approved policy, rider, or endorsement form shall also include the following:

1. A statement of the scope and reason for the revision, and an estimate of the expected average effect on premiums, including the anticipated loss ratio for the form.

2. A statement as to whether the filing applies only to new business, only to in-force business, or both, and the reasons therefore.

3. A history of the experience under existing rates, including, if available and appropriate, the ratios of actual claims to the claims expected according to the assumptions underlying the existing rates. Additional data shall include: substitution of actual claim run-offs for claim reserves and liabilities; determination of loss ratios with the increase in policy reserves subtracted from premiums rather than added to benefits; accumulation of experience fund balances; substitution of net level policy reserves for preliminary term policy reserves; reserve adjustments arising because of select period loss experience; adjustment of premiums to an annual mode basis; or other adjustments or schedules suited to the form and to the records of the company. All additional data must be reconciled, as appropriate, to the required data.

4. The date and magnitude of each previous rate change, if any.

Section 5. Provided, however, the provisions of this act shall not apply to credit life policies.

Section 6. A group policy delivered or issued for delivery in this state by an insurer or nonprofit health care service plan which provides hospital, surgical or major medical expense insurance, or any combination of these coverages, on an expense incurred basis, not including a policy which provides benefits for specific diseases or for accidental injuries only, shall provide that an employee, member or covered dependent whose insurance under the group policy has been terminated for any reason, including the discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy, and under any group policy providing similar benefits which it replaces, for at least three months immediately prior to termination, shall be entitled to have issued to him or her by the insurer a policy of health insurance, hereafter referred to as "a converted policy." An employee, member or dependent shall not be entitled to a converted policy if the termination of his or her coverage under the group policy, contract or certificate was a result of his or her failure to pay any required contribution, or if the terminated policy is replaced by similar coverage within 31 days; provided, however, said similar coverage does not include any exclusions or limitations on medical conditions which were covered by the discontinued group policy. Written application for the converted policy shall be made and the first premium paid to the insurer not later than 31 days after such termination.

Section 7. The converted policy must be issued without evidence of insurability. The converted policy shall provide comprehensive health coverage, including mental conditions and the treatment of alcohol and drug

addiction if covered in the group policy, equal to or greater than the following minimum standards:

(a) A maximum benefit equal to the smaller of the following amounts:

(1) The maximum benefit provided under the group policy; and

(2) A maximum payment of \$10,000 per covered person for all covered medical expenses incurred during each calendar year and a maximum payment of \$100,000 per covered person for all covered medical expenses incurred during the covered person's lifetime; and

(b) Payment of benefits at the rate of 80 percent of covered medical expenses which are in excess of any deductible, until 20 percent of such expenses in a calendar year reaches \$1,000, after which benefits will be paid at the rate of 100 percent during the remainder of such calendar year. Payment of benefits for outpatient treatment of mental illness, if provided in the converted policy, may be at a lesser rate but not less than 50 percent; and

(c) The insurer may impose a calendar year deductible provided the insurer makes available a low deductible option, not to exceed \$100, a high deductible option between \$500 and \$1,000, and a third deductible option between the high and low deductible options.

The term "covered medical expenses," as used above, shall include at least, in the case of hospital room and board charges, the average semiprivate room and board rate for the hospital in which the individual is confined and twice such amount for charges in an intensive care unit. Charges in excess of the reasonable and customary charge shall not be included in the term "covered medical expenses." If a surgical schedule is included, it must provide at least a \$1,200 maximum benefit. All other benefits provided under the converted policy shall be consistent with those customarily offered by the insurer under comprehensive group or individual health insurance policies.

Section 8. The effective date of the converted policy shall be the day following the termination of insurance under the group policy.

Section 9. The converted policy shall offer coverage to any employee or member and/or his or her dependents, collectively or individually, who were covered by the group policy on the date of termination of insurance.

Section 10. The insurer shall not be required to issue nor continue a converted policy covering any person if such person is or could be or becomes covered by Medicare (Title XVIII of the United States Social Security Act as added by the Social Security Amendments of 1965 or as later amended or superseded). Provided further, the insurer shall not be required to issue nor continue a converted policy covering any person if such person is or becomes covered for similar benefits by another hospital, surgical, medical or major medical expense insurance policy or hospital or medical service subscriber contract or medical practice or other prepayment plan or by any other plan or program. Provided, however, said benefits do not include any exclusions or limitations on medical conditions which were covered by the discontinued group policy.

Section 11. An insurer shall not be required to issue a converted policy which provides benefits in excess of those provided under the group policy from which conversion is made.

Section 12. The converted policy shall not exclude a preexisting condition not originally excluded by the group policy. It is further provided, however, that the converted policy may provide that any hospital, surgical or medical benefits payable thereunder may be reduced by the amount of any such benefits payable under the group policy after the termination of the individual's insurance thereunder. The converted policy may also provide that, during the first policy year, the benefits payable under the converted policy, when combined with the benefits payable under the group policy, shall not exceed those that would have been payable had the individual's insurance under the original group policy remained in force and effect.

Section 13. The insurer may elect to provide group insurance coverage in lieu of the issuance of a converted individual policy.

Section 14. A notification of the conversion privilege shall be included in each certificate of coverage.

Section 15. Sections 6 through 14 of this act shall not be applicable to self-insured plans.

Section 16. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. The provisions of this act are supplemental. It shall be construed in pari materia with other laws regulating health and disability insurance rates; however those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 18. This act shall take effect 90 days following its passage and approval by the Governor or upon its otherwise becoming law. Sections 6 through 15 of this act shall apply to group policies and contracts delivered, issued for delivery, renewed or amended on or after said date.

Which was adopted.

And said Committee substitute, as thus amended by the Bailey substitute, was then adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Covington	Ellis	Mitchem	
Amari	deGraffenried	Figures	Parsons	
Bailey	Denton	Goodwin	Rice	
Barron	Dial	Hale	Smith (B)	
Bedsole	Dixon	Horn	Smith (J)	
Corbett	Drinkard	Langford	Windom	—23

Nays: —0

And said Bill, H. B. 800, as thus amended by the Committee substitute, as amended, was read a third time at length and passed.

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2255

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Figures	Mitchem
Amari	Covington	Foshee	Preuitt
Bailey	deGraffenried	Hale	Rice
Barron	Denton	Horn	Sanders
Bedford	Dixon	Langford	Smith (B)
Bedsole	Drinkard	Manley	Windom
Campbell	Ellis		

—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 755. To amend Code of Alabama, 1975, §22-30-11, to provide for additional definitions and to prohibit commercial hazardous waste treatment or disposal facilities from accepting hazardous wastes generated in another state which prohibits the treatment, storage, or disposal of hazardous wastes within its own borders, or which refuses or fails to comply with 42 U.S.C. § 9604(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, which requires each state to adequately treat and dispose of all hazardous wastes reasonably expected to be generated within that state over the next 20 years through the establishment of a hazardous waste treatment or disposal facility within the state or through the use of a hazardous waste treatment or disposal facility located outside the state in accordance with an interstate agreement or regional agreement or authority.

Also:

H. 734. To further amend Section 40-23-5, Code of Alabama 1975, as last amended, by Act No. 88-542, S. 204, Regular Session 1988, relating to the exemption of certain worthy organizations and vendors from the payment of state, county and municipal sales and use taxes, so as to provide for further exemptions of certain county public hospital associations and their lessees and successors organized pursuant to Section 10-3A-1, et seq., Code of Alabama 1975, as amended, nonprofit corporations; and to make the provisions retroactive.

Also:

H. 985. To Amend Act No. 88-872 of the 1988 First Special Session by imposing certain additional per ton fees on operators of commercial sites for the disposal of hazardous wastes or hazardous substances.

Also:

H. 989. To amend Act No. 88-872 of the 1988 First Special Session relative to the tax levied on the disposal of hazardous waste generated outside the State of Alabama to impose a "prevailing rate" fee on such waste.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

BILL RE-REFERRED

Senator Foshee, Chairperson of the Standing Committee on Natural Resources, reported that said Committee, in session, had acted on the following Bill, H. B. 515, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 515, re-referred to the Standing Committee on Agriculture, Conservation, and Forestry.

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 40. To amend Section 40-7-2.1, Code of Alabama 1975, as amended, relating to homestead exemptions based on age, income or disability, so as to allow such exemptions to continue without the required personal appearance to continue such exemption.

was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Figures	Horn
Bailey	Denton	Foshee	Langford
Barron	Dixon	Goodwin	Rice
Bedford	Drinkard	Hale	Sanders
Corbett	Ellis	Hand	Smith (J)
Covington			

—20

Nays:

—0

RESOLUTION

Senators Mitchem, Corbett, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Parsons, Preuit, Rice, Sanders, Smith (B), Smith (J), and Windom offered the following Senate Joint Resolution, to-wit:

S. J. R. 240. RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

WHEREAS, junior college athletics started in Alabama in 1891; and

WHEREAS, Alexander City State Junior College, S. D. Bishop State Community College, Brewer State Junior College, J. C. Calhoun State Community College, Chattahoochee Valley State Community College, Jefferson

Davis State Junior College, Enterprise State Junior College, James H. Faulkner State Junior College, Gadsden State Community College, Patrick Henry State Junior College, Jefferson State Community College, Lawson State Community College, Marion Military Institute, Northwest State Junior College, Selma University, Shelton State Community College, Snead State Junior College, Southern Junior College, Southern Union State Junior College, Walker College, G. C. Wallace State Community College, Wallace State Community College, G. C. Wallace State Community College, and L. B. Wallace State Junior College are members of the Alabama Junior College Conference providing educational opportunities to the youth of Alabama through one hundred and six separate athletic teams; and

WHEREAS, the Alabama Junior College Conference has established an Athletic Hall of Fame to recognize outstanding contributions to athletics in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Alabama Junior College Conference for establishing the Athletic Hall of Fame.

BE IT FURTHER RESOLVED, That the Legislature congratulates and recognizes the first ten inductees into the Alabama Junior College Athletic Hall of Fame.

RESOLVED FURTHER, That each of the following inductees shall receive a copy of this Resolution: Michael Anderson, Jefferson State Community College; Glen R. Clem, Walker College; Danny Cox, Chattahoochee Valley Community College; John Douglas, Calhoun Community College; Emmitt King, Jefferson State Community College; Dr. William H. McWhorter, Lurleen B. Wallace State Junior College; Clifford Outlin, Calhoun Community College; Emmett S. Plunkett, Snead State Junior College; Gary Redus, Calhoun Community College and Dr. James E. Van Horn, Wallace State Community College-Hanceville.

On motion of Senator Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 677. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

was taken up.

Senator Corbett offered the following amendment to the Bill, H. B. 677, to-wit:

AMENDMENT TO H. B. 677

Amend House Bill 677 by deleting the House Judiciary Committee Amendment in its entirety which reads as follows:

“(4) Any subsequent persons receiving a check, draft, or order from the original payee or a successor endorsee have the same rights that the original payee has against the maker of the instrument, provided such subsequent persons give notice as required in Section 13A-9-13.2 of the Code of Alabama, 1975. Persons providing such notice shall be immune from civil liability for the giving of such notice and for proceeding under the forms of such notice, so long as the maker of the instrument has the same defense against these subsequent persons as against the original payees. However, the remedies available under this section may be exercised only by one party in interest.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Covington	Figures	Mitchem	
Bailey	deGraffenried	Foshee	Preuitt	
Barron	Denton	Goodwin	Rice	
Bedford	Dixon	Hale	Sanders	
Campbell	Drinkard	Holmes	Smith (B)	
Corbett	Ellis	Horn		—22

Nays: —0

And said Bill, H. B. 677, as thus amended, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Corbett	Figures	Parsons	
Amari	Covington	Foshee	Preuitt	
Bailey	deGraffenried	Goodwin	Rice	
Barron	Denton	Hale	Sanders	
Bedford	Dixon	Holmes	Smith (B)	
Bedsole	Drinkard	Langford	Windom	
Campbell	Ellis	Manley		—26

Nays: —0

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Leonard C. Wyatt to the Alabama Real Estate Commission.

On motion of Senator Figures, the appointment of Mr. Wyatt was confirmed by the Senate.

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Yeas 24; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Amari	Covington	Goodwin	Preuitt
Bailey	Denton	Hale	Sanders
Bedford	Dixon	Holmes	Smith (B)
Bedsole	Drinkard	Horn	Smith (J)
Bennett	Figures	Langford	Windom
Campbell			

—24

Nays:

—0

RESOLUTIONS

Senator Sanders offered the following Senate Resolution, to-wit:

S. R. 241. CONGRATULATING SUMTER COUNTY HIGH SCHOOL ON THEIR ACCOMPLISHMENTS OF THE 1988-1989 BASKETBALL SEASON.

Which was filed.

Senator Amari offered the following Senate Resolution, to-wit:

S. R. 242. COMMENDING HUFFMAN MIDDLE MAGNET SCHOOL, BIRMINGHAM.

Which was filed.

Senators Bedford, Figures, Horn, Goodwin, Sanders, Amari, Windom, Bailey, Barron, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Foshee, Hale, Hand, Hilliard, Holmes, Langford, Manley, Mitchem, Parsons, Preuitt, Rice, Smith (B), and Smith (J) offered the following Senate Resolution, to-wit:

S. R. 243. WISHING OUR COLLEAGUE, DANNY CORBETT, A BELATED HAPPY BIRTHDAY.

Which was filed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Knight:

H. J. R. 525. CONGRATULATING MR. AND MRS. BUFORD C. KNIGHT, PARENTS OF OUR ESTEEMED COLLEAGUE, REPRESENTATIVE AL KNIGHT, ON THE OCCASION OF THEIR 57TH WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 525, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 466. Relating to Shelby County; providing further for zoning regulations in unincorporated and incorporated areas within the county; transferring certain lands and property from an incorporated area to an unincorporated area within the county; providing that any zoning regulations or restrictions currently affecting certain property located within incorporated areas shall continue to affect said property after the transfer of same.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem
Amari	Covington	Goodwin	Parsons
Bailey	deGraffenried	Hale	Rice
Barron	Denton	Hilliard	Smith (B)
Bedford	Dial	Horn	Smith (J)
Bedsole	Dixon	Manley	Windom
Cabaniss	Ellis		

—25

Nays:

—0

Senator Hilliard moved that the Senate reconsider the vote by which the Bill, S. B. 466, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

THE BILL:

H. 696. Relating to Randolph County; abolishing the office of constable and providing an effective date.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Parsons
Bailey	Covington	Hale	Preuitt
Barron	deGraffenried	Hilliard	Rice
Bedsole	Dial	Holmes	Sanders
Bennett	Drinkard	Langford	Smith (J)
Cabaniss	Ellis	Manley	Windom
Campbell	Figures		

—25

Nays:

—0

Senator Dial moved that the Senate reconsider the vote by which the Bill, H. B. 696, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 40. To amend Section 40-7-2.1, Code of Alabama 1975, as amended, relating to homestead exemptions based on age, income or disability, so as to allow such exemptions to continue without the required personal appearance to continue such exemption.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 861. Relating to the City of Guntersville in Marshall County; authorizing the City of Guntersville to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

was taken up.

On motion of Senator Covington, further consideration of the Bill, H. B. 861, was postponed subject to the call of the Chair.

RESOLUTIONS

Senator Hilliard offered the following Senate Joint Resolution, to- wit:

S. J. R. 244. RECOGNIZING WITH COMMENDATION THE OUTSTANDING ACCOMPLISHMENTS OF MOREHOUSE COLLEGE.

WHEREAS, the Legislature of Alabama in highest honor and esteem, congratulates Morehouse College as the Southern Intercollegiate Athletic Conference regular season basketball champions; and

WHEREAS, the Morehouse College team set a new school basketball record with a 25-5 overall season; and

WHEREAS, Morehouse College has always been known for its high academic quality and the number of outstanding graduates it has produced; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement both as a scholastic and athletic institution, we hereby most highly commend Morehouse College.

BE IT FURTHER RESOLVED, That in token of sincere praise and esteem, a copy of this resolution shall be forwarded to Morehouse College for the purpose of appropriate display by said institution.

On motion of Senator Hilliard, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Hilliard then offered the following Senate Joint Resolution, to-wit:

S. J. R. 245. COMMENDING EDNA BLUE JOHNSON OF BIRMINGHAM, ALABAMA, AS "ZETA OF THE YEAR."

WHEREAS, it is with highest commendation that the Legislature of Alabama congratulates Edna Blue Johnson of Birmingham, Alabama, upon her selection as "Zeta of the Year," a prestigious award of Alpha Sigma Zeta Chapter of Zeta Phi Beta Sorority, Incorporated; and

WHEREAS, Mrs. Johnson, as the recipient of "Zeta of the Year" honors, was cited for her outstanding commitment and dedication to the Sorority and for her faithful work with twenty teenage girls in the Birmingham School System; and

WHEREAS, Zeta Phi Beta, a national sorority, is a community-conscious, action-oriented organization and Mrs. Johnson, as "Zeta of the Year," exemplifies the worthy purpose and goals of this outstanding service and social sisterhood; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to others and commitment to Zeta Phi Beta Sorority, we hereby commend "Zeta of the Year," Mrs. Edna Blue Johnson of Birmingham, Alabama, whom we hold in highest regard and to whom a copy of this resolution of honor shall be presented.

On motion of Senator Hilliard, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF H. B. 861

The Senate proceeded to further consideration of the Bill, H. B. 861.

On motion of Senator Manley, further consideration of the Bill, H. B. 861, was postponed subject to the call of the Chair.

RESOLUTION

Senator Preuitt offered the following Senate Joint Resolution, to-wit:

S. J. R. 246. ESTABLISHING THE CONTINUING JOINT STUDY COMMITTEE ON THE BLIND AND HEARING IMPAIRED.

WHEREAS, there exists a need to study all aspects of education, training and the administration of educational and training programs of blind and sight and hearing impaired persons in this state, and to coordinate such programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the continuing Joint Study Committee on the Blind and Hearing Impaired, to

be composed of six members as follows: three House of Representative members appointed by the Speaker of the House, and three Senate members appointed by the Lieutenant Governor.

The chairman and vice chairman of the committee shall be elected at the first meeting, and annually thereafter, by the members of the committee. The committee shall study all aspects of the education and training of blind and sight and hearing impaired persons in this state, and the administration of educational and training programs for such persons, and shall study and suggest methods of coordinating such programs throughout the state. The committee shall specifically study the operations of the Alabama Institute of the Deaf and Blind and the Industries for the Blind, including the daily operations, management, and plans for future expansions for the institute and/or plant facilities, and the salaries and other expenses of the administrative staffs and faculties of such institutions. The committee shall also specifically study the statewide educational and training efforts and programs for blind persons and sight and hearing impaired persons.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1990 Regular Session and each regular session thereafter. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses within and without the state for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee within and without the state, and the total expenses of the committee shall not exceed \$7,500.00 per annum.

On motion of Senator Preuitt, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF H. B. 861

The Senate proceeded to further consideration of the Bill, H. B. 861.

And said Bill, H. B. 861, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Langford
Amari	Campbell	Foshee	Mitchem
Bailey	Corbett	Hale	Preuitt
Barron	Covington	Hand	Sanders
Bedford	Denton	Holmes	Smith (B)
Bedsole	Dial	Horn	Smith (J)
Bishop	Drinkard		

—25

Nays:

—0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 216. To amend Section 37-6-3(10) of the Code of Alabama of 1975 to clarify the power of rural electric cooperatives to acquire minority interests in electric generating plants, transmission and distribution lines or systems in common with others, to own undivided interests in facilities, to contract for the construction, operation and maintenance of facilities by other parties and allocate among parties to the contract various costs and expenses and specify entitlement of joint owners to production capability or utilization of facilities, to alter the normal rights of joint owners of property through provisions in such agreements and delegate powers and duties in connection with construction, operation, ownership and disposal of facilities to other parties to such agreements, to contract for the purchase and ownership of project capability or amounts of electric capacity and energy from a project, whether such project is complete or operable or operating, to agree to pay expenses and costs as established by a project manager, including increased costs to cover defaults by project participants and to authorize agreements requiring payments by a cooperative of an unconditional nature, irrespective of whether any electricity or other service is received in return and irrespective of whether the cooperative owns an interest in any tangible physical property.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 999. Relating to Coosa County; amending the Title and Sections 3, 5 and 12 of Act No. 86-239, H. 775 of the Regular Session 1986, (Acts 1986, p. 362) relating to the offices of chairman and associate members of the Coosa County Commission, so as to further provide for the compensation and manner of payment; to provide for the voting status of the judge of probate; to require the commission to authorize travel out of the state only for emergencies and the benefit of the citizens of Coosa County, except for law enforcement traveling on official business or duty; and to provide for the effective operation of the act.

was read a third time at length and passed.

REGULAR SESSION
28th Day

2265

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Mitchem
Amari	Denton	Hilliard	Preuitt
Bedford	Dial	Holmes	Sanders
Bennett	Dixon	Horn	Smith (B)
Bishop	Figures	Langford	Smith (J)
Campbell	Foshee	Manley	Windom
Corbett	Goodwin		

—25

Nays:

—0

FURTHER CONSIDERATION OF S. B. 574

The Senate proceeded to further consideration of the Bill:

S. 574. Relating to Etowah County; levying an additional ad valorem tax in the county, pursuant to Constitutional Amendment No. 373, Constitution of 1901, as amended, for school district capital improvement purposes and providing for an appropriate referendum; and providing for the discontinuance of such tax.

The question was on the House amendment to the Bill, S. B. 574, which said amendment is set out in the Journal of the Senate for the Twenty-Fourth Legislative Day.

Senator Drinkard moved that the Senate non-concur in the House amendment to the Bill, S. B. 574, and request a Committee on Conference, which motion was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons
Amari	Covington	Hale	Preuitt
Barron	deGraffenried	Hilliard	Rice
Bedford	Dial	Holmes	Sanders
Bedsole	Drinkard	Horn	Smith (J)
Bennett	Figures	Mitchem	Windom
Bishop	Foshee		

—25

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate, Senators Drinkard, Manley, and Hale.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, May 11, 1989, at 10 o'clock A.M., which motion was adopted.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1049. Relating to Blount County; amending Act No. 79-712, H. 782, 1979 Regular Session, providing for an expense allowance for members of

the county board of education, so as to provide further for said expense allowance.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford	
Amari	Corbett	Foshee	Mitchem	
Bailey	Covington	Goodwin	Preuitt	
Bedford	deGraffenried	Hilliard	Rice	
Bennett	Denton	Holmes	Sanders	
Bishop	Dixon	Horn	Smith (J)	
Cabaniss	Drinkard			—25

Nays: —0

THE BILL:

H. 1054. Relating to Fayette County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Fayette County; and providing for a referendum.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Parsons	
Bailey	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Rice	
Bennett	Dixon	Horn	Sanders	
Bishop	Drinkard	Langford	Smith (J)	
Cabaniss	Figures	Manley	Windom	
Corbett	Foshee			—25

Nays: —0

THE BILL:

H. 1055. Relating to Marion County; providing that any monies collected from the additional court costs levied by Act No. 85-933, H. 243, 1985 Second Special Session (Acts 1985, p. 235), and amendment thereto and Act No. 85-934, S. 216, 1985 Second Special Session (Acts 1985, p. 235) and paid to the clerk of the circuit court under the authority of such acts, shall be distributed to the Marion County department of human resources for deposit in a separate fund; and to provide that the interest derived from such monies shall be used for handicapped children in the county.

was read a third time at length and passed.

REGULAR SESSION
28th Day

2267

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Amari	deGraffenried	Goodwin	Mitchem
Bailey	Denton	Hale	Rice
Bedford	Dial	Hand	Smith (B)
Bennett	Drinkard	Holmes	Smith (J)
Bishop	Ellis	Langford	Windom
Campbell	Figures		

—25

Nays: —0

THE BILL:

H. 1073. Relating to Cleburne County, authorizing certain retired law enforcement officers to retain their badges and pistols.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hilliard	Parsons
Bailey	deGraffenried	Holmes	Preuitt
Bedford	Dial	Horn	Rice
Bennett	Drinkard	Langford	Sanders
Bishop	Ellis	Manley	Smith (J)
Cabaniss	Goodwin	Mitchem	Windom
Campbell	Hand		

—25

Nays: —0

THE BILL:

H. 1074. Relating to Cleburne County; providing for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Parsons
Amari	Corbett	Foshee	Preuitt
Bailey	Covington	Hale	Rice
Bedford	deGraffenried	Hilliard	Sanders
Bennett	Dial	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Cabaniss	Ellis		

—25

Nays: —0

THE BILL:

H. 1075. Relating to Autauga County; to authorize the Autauga County Board of Health to designate the services rendered by the County Health

Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Bailey	Corbett	Hand	Preuitt	
Barron	Covington	Hilliard	Rice	
Bedsole	Dixon	Holmes	Sanders	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Manley	Windom	
Cabaniss	Figures			—25

Nays: —0

Senator Bennett requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 945. To establish a procedure whereby a Class 5 municipality may adopt a mayor-council form of government; to provide for the election of a mayor and council members, the method of establishing salaries, certain duties and responsibilities; and to provide for the continuation of laws applicable to said cities.

And said Bill, H. B. 945, was read a third time at length and passed.

Yeas 19; Nays 0.

Abstaining 1.

Yeas:

Senators:	Campbell	Ellis	Langford	
Bailey	Corbett	Foshee	Manley	
Bedford	deGraffenried	Goodwin	Mitchem	
Bennett	Dixon	Hale	Sanders	
Cabaniss	Drinkard	Horn	Smith (J)	—19

Nays: —0

Abstaining: Senator Amari —1

THE BILL:

H. 856. Relating to the City of Gadsden in Etowah County; authorizing the governing body to levy an additional ad valorem tax to be used for capital outlay purposes for the school system; and providing for a referendum for approval of the tax by the qualified electors of the city; and providing for certain exemptions.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 856, to-wit:

SUBSTITUTE FOR H. B. 856

**A BILL
TO BE ENTITLED
AN ACT**

Relating to the City of Gadsden in Etowah County; authorizing the governing body to levy an additional ad valorem tax to be used for capital outlay purposes for the school system; and providing for a referendum for approval of the tax by the qualified electors of the city.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to subsection (f) of Amendment No. 373 of the Constitution of Alabama of 1901 and a resolution heretofore adopted by the governing body of the City of Gadsden after a public hearing, the governing body is hereby authorized to levy, in addition to any and all other taxes heretofore levied, an additional ad valorem tax in the amount of 10 mills on each dollar of taxable property in the city. The revenues from said tax shall be paid to the Gadsden City school system to be used for capital outlay purposes.

Section 2. The increase in the rate of said tax as provided herein is subject to the approval of a majority of the qualified electors who vote on the proposed increase at a special election called and held for such purposes pursuant to the provisions of subsection (f) of Amendment No. 373 of the Constitution.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Parsons
Bailey	Covington	Hale	Preuitt
Barron	deGraffenried	Hilliard	Sanders
Bennett	Denton	Horn	Smith (B)
Bishop	Dial	Langford	Smith (J)
Cabaniss	Drinkard	Manley	Windom
Campbell	Figures		

—25

Nays: —0

And said Bill, H. B. 856, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Manley	
Bailey	Covington	Hale	Mitchem	
Barron	deGraffenried	Hand	Parsons	
Bedsole	Dial	Hilliard	Rice	
Bennett	Drinkard	Holmes	Smith (B)	
Bishop	Figures	Langford	Windom	
Campbell	Foshee			—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill and House Joint Resolution, your signature thereto is requested.

H. 696. Relating to Randolph County; abolishing the office of constable and providing an effective date.

Also:

H. J. R. 525. CONGRATULATING MR. AND MRS. BUFORD C. KNIGHT, PARENTS OF OUR ESTEEMED COLLEAGUE, REPRESENTATIVE AL KNIGHT, ON THE OCCASION OF THEIR 57TH WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

Senator Horn requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 1065. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Education for the Hemophilia Program for the fiscal year ending September 30, 1989.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 1065, to-wit:

SUBSTITUTE FOR H. B. 1065

**A BILL
TO BE ENTITLED
AN ACT**

To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Education for the Hemophilia Program for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated from the Alabama Special Educational Trust Fund to the Department of Education for the fiscal year ending September 30, 1989, the sum of \$400,000 to be used for the Hemophilia Program. There is also hereby conditionally appropriated the sum of \$200,000 based upon availability of funds, recommendation of finance director, and approval of Governor. Funds will be disbursed based on a report filed with the director of finance supported by such documentation as may be deemed appropriate by the director attesting to the actual amount of usage, unit cost and cost of related supplies. The appropriation herein shall be in addition to any and all other funds heretofore or hereafter appropriated to the Department of Education. The appropriation shall not be used for any indirect or administrative costs.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Barron	Dixon	Horn	Sanders	
Bedford	Drinkard	Langford	Smith (J)	
Bennett	Ellis	Manley	Windom	
Campbell	Foshee			—25

Nays: —0

And said Bill, H. B. 1065, as thus amended by the substitute, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Amari	Corbett	Hale	Preuitt	
Bailey	Covington	Hand	Rice	
Barron	deGraffenried	Horn	Sanders	
Bedford	Drinkard	Langford	Smith (J)	
Bennett	Ellis	Manley	Windom	—23

Nays: —0

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate

Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 41. COMMENDING FAYETTE COUNTY DEPUTY SHERIFF HAROLD PENDLEY FOR DISTINGUISHED PERFORMANCE OF DUTY.

Also:

S. J. R. 173. COMMENDING MS. LAVERNE O'REAR OF LAWNDES COUNTY, ALABAMA.

And on motion of Senator Drinkard, said Resolutions, S. J. R.'s 41 and 173, were adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 147. URGING THE ALCOHOLIC BEVERAGE CONTROL BOARD TO ESTABLISH A PILOT PROGRAM.

And on motion of Senator Drinkard, said Resolution, S. J. R. 147, was adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 39. DESIGNATING A PORTION OF U. S. HIGHWAY 78 AS THE "CLYDE A. (POLLY) CLARK PARKWAY."

And on motion of Senator Drinkard, said Resolution, H. J. R. 39, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 40. DIRECTING THE ALABAMA BUREAU OF TOURISM AND TRAVEL TO RESPOND TO ALL REQUESTS FOR INFORMATION ON ALABAMA.

And on motion of Senator Drinkard, said Resolution, H. J. R. 40, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 105. CONGRATULATING JACK KEMP ON HIS APPOINTMENT AS SECRETARY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND URGING THE DESIGNATION OF CERTAIN ALABAMA CITIES AS "ENTERPRISE ZONES."

And on motion of Senator Drinkard, said Resolution, H. J. R. 105, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 80. COMMENDING JOHN R. SIMPSON FOR HIS ROLE IN THE PROPOSED DEVELOPMENT OF AN AQUACULTURE DEVELOPMENT AND EDUCATIONAL CENTER AT GADSDEN STATE COMMUNITY COLLEGE IN GADSDEN, ALABAMA, AND DESIGNATING SAID CENTER, UPON COMPLETION, AS THE "ALABAMA AQUACULTURE CENTER FOR THE STATE OF ALABAMA."

And on motion of Senator Drinkard, said Resolution, H. J. R. 80, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

H. J. R. 553. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY HEALTH CARE IN MONTGOMERY COUNTY.

The Standing Committee on Rules reported the following substitute for the Resolution, H. J. R. 553, to-wit:

SUBSTITUTE FOR H. J. R. 553

H. J. R. 553. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY HEALTH CARE IN MONTGOMERY COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study health care in Montgomery County. The committee shall be composed of the legislative delegation representing Montgomery County. Within a reasonable time after the adjournment of the 1989 Regular Session of the Legislature, the sponsor of this resolution shall call a meeting of the committee for the purpose of electing a chairman and a vice chairman of the committee. The committee shall study all areas of health care in Montgomery County and make recommendations to the legislature, including but not limited to the health needs of the citizens of Montgomery County, whether additional health care clinics are needed, and necessary appropriations. Subcommittees may be appointed if necessary.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee or subcommittee, which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business.

BE IT FURTHER RESOLVED, That the final report of the committee, along with findings and recommendations, shall be made during the 1990 Regular Session of the Legislature.

Which was adopted.

And on motion of Senator Drinkard, said Resolution, H. J. R. 553, as thus amended by the substitute, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 90. EXPRESSING OPPOSITION TO THE USE OF FEDERAL MOTOR FUEL TAX INCREASES TO REDUCE THE BUDGET DEFICIT.

And on motion of Senator Drinkard, said Resolution, H. J. R. 90, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 121. REQUESTING CONGRESS TO PASS LEGISLATION TO REQUIRE OUT-OF-STATE COMPANIES TO PAY STATE SALES TAX.

And on motion of Senator Drinkard, said Resolution, H. J. R. 121, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 148. CREATING A JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON THE STATE CAPITOL RENOVATION.

And on motion of Senator Drinkard, said Resolution, H. J. R. 148, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 173. CREATING THE JOINT INTERIM COMMITTEE ON THE DISPOSAL OF SCRAP TIRES.

And on motion of Senator Drinkard, said Resolution, H. J. R. 173, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 210. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE CONTROL OF COYOTES IN THE STATE OF ALABAMA.

And on motion of Senator Drinkard, said Resolution, H. J. R. 210, was concurred in and adopted by the Senate.

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Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 401. NAMING A PORTION OF STATE HIGHWAY 86 IN HONOR AND IN HUMBLE TRIBUTE TO CHARLES W. DAVIS.

And on motion of Senator Drinkard, said Resolution, H. J. R. 401, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 319. CONGRATULATING THE PELL CITY HIGH SCHOOL LADY PANTHERS ON THEIR OUTSTANDING 1989 BASKETBALL SEASON.

And on motion of Senator Drinkard, said Resolution, H. J. R. 319, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 321. COMMENDING THE JOHN L. LeFLORE BASKETBALL TEAM ON THE 1989 STATE CLASS 6A BOYS BASKETBALL CHAMPIONSHIP.

And on motion of Senator Drinkard, said Resolution, H. J. R. 321, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 322. COMMENDING COACH JOHNNY SHELWOOD OF LeFLORE HIGH SCHOOL, MOBILE, ALABAMA.

And on motion of Senator Drinkard, said Resolution, H. J. R. 322, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Colonel Donald R. Crutcher to the position of Brigadier General, Line, Commander, Army National Guard

On motion of Senator Drinkard, the appointment of Brigadier General Crutcher was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Sanders	
Bennett	Denton	Hand	Smith (B)	
Bishop	Drinkard	Hilliard	Smith (J)	
Campbell	Ellis	Mitchem	Windom	
Corbett	Foshee	Rice		—18

<i>Nays:</i>				—0
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MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 557. To amend Section 11-41-1 of the Code of Alabama 1975, relating to incorporation of a municipality, so as to provide further for such incorporation.

JOHN W. PEMBERTON,
Clerk.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Brigadier General Frank E. Sefton, III, Assistant State Adjutant General, Army National Guard

On motion of Senator Drinkard, the appointment of Brigadier General Sefton was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Drinkard	Hilliard	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Campbell	Foshee	Manley	Smith (J)	
Corbett	Goodwin	Mitchem	Windom	
deGraffenried	Hand	Rice		—18

<i>Nays:</i>				—0
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Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Brigadier General Billy R. Norman, Assistant State Adjutant General, Army National Guard

On motion of Senator Drinkard, the appointment of Brigadier General Norman was confirmed by the Senate.

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Yeas 21; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Mitchem
Bedford	Denton	Hand	Rice
Bennett	Drinkard	Hilliard	Sanders
Bishop	Ellis	Langford	Smith (B)
Campbell	Figures	Manley	Windom
Corbett	Foshee		

—21

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Brigadier General Larry E. Lee, Assistant State Adjutant General, Army National Guard

On motion of Senator Drinkard, the appointment of Brigadier General Lee was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem
Bedford	deGraffenried	Hale	Rice
Bennett	Denton	Hand	Sanders
Bishop	Drinkard	Langford	Smith (B)
Campbell	Figures	Manley	Windom

—19

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. T. A. Williams to the Board of Agriculture and Industries

On motion of Senator Drinkard, the appointment of Mr. Williams was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Rice
Bennett	Denton	Hand	Sanders
Campbell	Drinkard	Langford	Smith (B)
Corbett	Figures	Manley	Windom
Covington	Foshee	Mitchem	

—18

Nays: —0

BILLS ON THIRD READING RESUMED

Senator Mitchem requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 68. Notwithstanding any other penalty, to allow the Commissioner of Agriculture and Industries to impose civil penalties or fines after a hearing thereon for violations of Chapters 27 and 28 of Title 2, Code of Alabama (1975), and any regulations promulgated thereunder; to restrict the penalty to an amount not to exceed \$10,000 to any one person, firm, association or corporation, for an incident, or incidents arising out of the same transaction with maximum guidelines for said fines and penalties to be adopted by the State Board of Agriculture and Industries; to provide for appeals or review of the Commissioner's action to be heard by the State Board of Agriculture and Industries and that judicial review of the action of the State Board of Agriculture and Industries shall be as provided by the Alabama Administrative Procedures Act.

And said Bill, H. B. 68, was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Rice	
Bennett	Denton	Langford	Sanders	
Campbell	Drinkard	Manley	Smith (B)	
Corbett	Foshee	Mitchem	Windom	
Covington	Hale	Parsons		—18

Nays: —0

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Judge Emory Anthony to the Cahaba Trace Commission

On motion of Senator Drinkard, the appointment of Judge Anthony was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Parsons	
Bennett	Denton	Hand	Rice	
Campbell	Drinkard	Langford	Sanders	
Corbett	Ellis	Manley	Smith (B)	
Covington	Foshee	Mitchem		—18

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Regina Atkins to the Cahaba Trace Commission

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On motion of Senator Drinkard, the appointment of Ms. Atkins was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Hale	Parsons	
Bailey	Denton	Hand	Sanders	
Bedford	Drinkard	Langford	Smith (B)	
Bennett	Foshee	Manley	Windom	
Bishop	Goodwin	Mitchem		—18

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Mary Auburtin to the Cahaba Trace Commission

On motion of Senator Drinkard, the appointment of Ms. Auburtin was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Manley	
Amari	Corbett	Hale	Mitchem	
Bailey	Denton	Hand	Sanders	
Bedford	Drinkard	Horn	Smith (B)	
Bennett	Foshee	Langford	Windom	—19

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Elise Blackwell to the Cahaba Trace Commission

On motion of Senator Drinkard, the appointment of Ms. Blackwell was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Amari	Covington	Goodwin	Rice	
Bailey	Denton	Hale	Smith (B)	
Bedford	Dixon	Hand	Windom	
Bennett	Drinkard	Manley		—18

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following

Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Theresa Burroughs to the Cahaba Trace Commission

On motion of Senator Goodwin, the appointment of Ms. Burroughs was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Hale	Parsons	
Amari	Denton	Hand	Sanders	
Bailey	Dixon	Langford	Smith (B)	
Bedford	Ellis	Manley	Windom	
Bennett	Goodwin	Mitchem		—18

Nays: —0

RESOLUTION RECONSIDERED

On motion of Senator Manley, the Senate reconsidered the vote by which the Resolution, S. J. R. 147, was adopted.

And on motion of Senator Windom, further consideration of the Resolution, S. J. R. 147, was postponed subject to the call of the Chair.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Wallace Darneill to the Cahaba Trace Commission

On motion of Senator Manley, the appointment of Ms. Darneill was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bailey	deGraffenried	Hand	Rice	
Bedford	Denton	Langford	Sanders	
Bennett	Dixon	Manley	Windom	
Campbell	Figures			—21

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. B. W. Fox to the Cahaba Trace Commission

On motion of Senator Manley, the appointment of Mr. Fox was confirmed by the Senate.

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Yeas 22; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Preuitt	
Amari	deGraffenried	Hale	Rice	
Bailey	Denton	Hand	Sanders	
Bedford	Dixon	Langford	Smith (B)	
Bennett	Ellis	Manley	Windom	
Campbell	Figures	Mitchem		— 22

Nays: — 0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Nancy Hefner to the Cahaba Trace Commission

On motion of Senator Goodwin, the appointment of Ms. Hefner was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Rice	
Bailey	Dixon	Hale	Sanders	
Bedford	Ellis	Hand	Smith (B)	
Campbell	Figures	Manley	Windom	
Covington	Foshee	Mitchem		— 18

Nays: — 0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. George Howell, Jr. to the Cahaba Trace Commission

On motion of Senator Goodwin, the appointment of Mr. Howell was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Rice	
Amari	Covington	Goodwin	Sanders	
Bailey	deGraffenried	Langford	Smith (B)	
Bedford	Denton	Manley	Windom	
Bennett	Ellis	Mitchem		— 18

Nays: — 0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Carol Jones to the Cahaba Trace Commission

On motion of Senator Goodwin, the appointment of Ms. Jones was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Foshee	Rice	
Bailey	deGraffenried	Goodwin	Sanders	
Bedford	Denton	Langford	Smith (B)	
Bennett	Ellis	Manley	Windom	
Campbell	Figures	Mitchem		—18

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Mike Mahan, Jr. to the Cahaba Trace Commission

On motion of Senator Goodwin, the appointment of Dr. Mahan was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Mitchem	
Amari	Covington	Goodwin	Preuitt	
Bedford	deGraffenried	Hand	Rice	
Bennett	Denton	Langford	Sanders	
Campbell	Dixon	Manley	Windom	—19

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Jean Martin to the Cahaba Trace Commission

On motion of Senator Goodwin, the appointment of Ms. Martin was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Preuitt	
Amari	Denton	Goodwin	Rice	
Bedford	Dial	Langford	Sanders	
Campbell	Dixon	Manley	Smith (B)	
Covington	Ellis	Mitchem	Windom	—19

Nays: —0

FURTHER CONSIDERATION OF H. B. 1005

The Senate proceeded to further consideration of the Bill:

H. 1005. To amend Sections 40-23-2 and 40-23-61 of the Code of Alabama 1975 so as to provide for the taxation of materials and supplies used for mobile home set-up at the rate of 2%.

having been postponed subject to the call of the Chair on the Twenty-Seventh Legislative Day.

On motion of Senator Langford, further consideration of the Bill, H. B. 1005, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills and House Joint Resolution, your signature thereto is requested.

H. 861. Relating to the City of Guntersville in Marshall County; authorizing the City of Guntersville to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

H. 945. To establish a procedure whereby a Class 5 municipality may adopt a mayor-council form of government; to provide for the election of a mayor and council members, the method of establishing salaries, certain duties and responsibilities; and to provide for the continuation of laws applicable to said cities.

Also:

H. 999. Relating to Coosa County; amending the Title and Sections 3, 5 and 12 of Act No. 86-239, H. 775 of the Regular Session 1986, (Acts 1986, p. 362) relating to the offices of chairman and associate members of the Coosa County Commission, so as to further provide for the compensation and manner of payment; to provide for the voting status of the judge of probate; to require the commission to authorize travel out of the state only for emergencies and the benefit of the citizens of Coosa County, except for law enforcement traveling on official business or duty; and to provide for the effective operation of the act.

Also:

H. 1049. Relating to Blount County; amending Act No. 79-712, H. 782, 1979 Regular Session, providing for an expense allowance for members of the county board of education, so as to provide further for said expense allowance.

Also:

H. 1054. Relating to Fayette County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Fayette County; and providing for a referendum.

Also:

H. 1055. Relating to Marion County; providing that any monies collected from the additional court costs levied by Act No. 85-933, H. 243, 1985 Second Special Session (Acts 1985, p. 235), and amendment thereto and Act No. 85-934, S. 216, 1985 Second Special Session (Acts 1985, p. 235) and paid to the clerk of the circuit court under the authority of such acts, shall be distributed to the Marion County department of human resources for deposit in a separate fund; and to provide that the interest derived from such monies shall be used for handicapped children in the county.

Also:

H. 1073. Relating to Cleburne County, authorizing certain retired law enforcement officers to retain their badges and pistols.

Also:

H. 1074. Relating to Cleburne County; providing for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Also:

H. 1075. Relating to Autauga County; to authorize the Autauga County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. J. R. 39. DESIGNATING A PORTION OF U. S. HIGHWAY 78 AS THE "CLYDE A. (POLLY) CLARK PARKWAY."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 28. To create and establish the "Alabama Convention Facilities Act;" to authorize the legislature to appropriate certain sums from the state transient occupancy tax proceeds to the cities and counties building eligible facilities in order to assist in the payment of the debt service on bonds issued in connection with such facilities; to define the powers and responsibilities of the Director of Finance, the State Treasurer, and the cities and counties; to authorize payments, based on legislative appropriations; and to establish the "Convention Facilities Fund."

JOHN W. PEMBERTON,
Clerk.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Ralph R. Norman to the Cahaba Trace Commission

On motion of Senator Goodwin, the appointment of Mr. Norman was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Rice
Bedford	Dial	Langford	Sanders
Bennett	Drinkard	Manley	Smith (B)
Campbell	Ellis	Mitchem	Smith (J)
Covington	Foshee	Preuitt	Windom
deGraffenried			

—20

Nays:

—0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Collene Parker to the Cahaba Trace Commission

On motion of Senator Goodwin, the appointment of Mrs. Parker was confirmed by the Senate.

Yeas 17; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley
Bedford	deGraffenried	Goodwin	Mitchem
Bennett	Denton	Hand	Rice
Bishop	Dixon	Langford	Smith (J)
Campbell	Ellis		

—17

Nays:

—0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. John C. Goodson to the Farmers' Market Authority

On motion of Senator Goodwin, the appointment of Mr. Goodson was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Mitchem	
Barron	Denton	Goodwin	Rice	
Bishop	Dial	Horn	Smith (B)	
Campbell	Dixon	Langford	Smith (J)	
Corbett	Ellis	Manley	Windom	
Covington				—20

Nays: —0

MOTION TO ADJOURN LOST

At 6 o'clock P.M., Senator Rice moved that the Senate adjourn until Thursday, May 11, 1989, at 10 o'clock A.M., which motion was lost.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 557. To amend Section 11-41-1 of the Code of Alabama 1975, relating to incorporation of a municipality, so as to provide further for such incorporation.

Also:

S. 28. To create and establish the "Alabama Convention Facilities Act;" to authorize the legislature to appropriate certain sums from the state transient occupancy tax proceeds to the cities and counties building eligible facilities in order to assist in the payment of the debt service on bonds issued in connection with such facilities; to define the powers and responsibilities of the Director of Finance, the State Treasurer, and the cities and counties; to authorize payments, based on legislative appropriations; and to establish the "Convention Facilities Fund."

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing

Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate Amendment to the Bill:

H. 188. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Harper, Campbell, and White (G).

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Horn, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 188, the title of which is set out in the foregoing Message from the House.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Mitchem
Amari	Denton	Goodwin	Rice
Bishop	Dial	Horn	Smith (B)
Campbell	Dixon	Langford	Smith (J)
Corbett	Ellis	Manley	Windom
Covington			

—20

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Horn, Barron, and Drinkard.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 204. To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1990.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 206. To make an appropriation for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1990.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 202. To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1990.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Senator Barron offered the following Senate Resolution, to-wit:

S. R. 247. CONGRATULATING MR. ED HENDERSON ON THE OCCASION OF HIS 100TH BIRTHDAY.

Which was filed.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill and House Joint Resolutions, your signature thereto is requested.

H. 68. Notwithstanding any other penalty, to allow the Commissioner of Agriculture and Industries to impose civil penalties or fines after a hearing thereon for violations of Chapters 27 and 28 of Title 2, Code of Alabama (1975), and any regulations promulgated thereunder; to restrict the penalty to an amount not to exceed \$10,000 to any one person, firm, association or corporation, for an incident, or incidents arising out of the same transaction with maximum guidelines for said fines and penalties to be adopted by the State Board of Agriculture and Industries; to provide for appeals or review of the Commissioner's action to be heard by the State Board of Agriculture and Industries and that judicial review of the action of the State Board of Agriculture and Industries shall be as provided by the Alabama Administrative Procedures Act.

Also:

H. J. R. 173. CREATING THE JOINT INTERIM COMMITTEE ON THE DISPOSAL OF SCRAP TIRES.

Also:

H. J. R. 210. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE CONTROL OF COYOTES IN THE STATE OF ALABAMA.

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Also:

H. J. R. 319. CONGRATULATING THE PELL CITY HIGH SCHOOL LADY PANTHERS ON THEIR OUTSTANDING 1989 BASKETBALL SEASON.

Also:

H. J. R. 321. COMMENDING THE JOHN L. LeFLORE BASKETBALL TEAM ON THE 1989 STATE CLASS 6A BOYS BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 322. COMMENDING COACH JOHNNY SHELWOOD OF LeFLORE HIGH SCHOOL, MOBILE, ALABAMA.

Also:

H. J. R. 401. NAMING A PORTION OF STATE HIGHWAY 86 IN HONOR AND IN HUMBLE TRIBUTE TO CHARLES W. DAVIS.

Also:

H. J. R. 40. DIRECTING THE ALABAMA BUREAU OF TOURISM AND TRAVEL TO RESPOND TO ALL REQUESTS FOR INFORMATION ON ALABAMA.

Also:

H. J. R. 80. COMMENDING JOHN R. SIMPSON FOR HIS ROLE IN THE PROPOSED DEVELOPMENT OF AN AQUACULTURE DEVELOPMENT AND EDUCATIONAL CENTER AT GADSDEN STATE COMMUNITY COLLEGE IN GADSDEN, ALABAMA, AND DESIGNATING SAID CENTER, UPON COMPLETION, AS THE "ALABAMA AQUACULTURE CENTER FOR THE STATE OF ALABAMA."

Also:

H. J. R. 90. EXPRESSING OPPOSITION TO THE USE OF FEDERAL MOTOR FUEL TAX INCREASES TO REDUCE THE BUDGET DEFICIT.

Also:

H. J. R. 105. CONGRATULATING JACK KEMP ON HIS APPOINTMENT AS SECRETARY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND URGING THE DESIGNATION OF CERTAIN ALABAMA CITIES AS "ENTERPRISE ZONES."

Also:

H. J. R. 121. REQUESTING CONGRESS TO PASS LEGISLATION TO REQUIRE OUT-OF- STATE COMPANIES TO PAY STATE SALES TAX.

Also:

H. J. R. 148. CREATING A JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON THE STATE CAPITOL RENOVATION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RECESS

At 6:25 P.M., on motion of Senator Manley, the Senate took a recess subject to the call of the Chair.

At 7 o'clock P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 188. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 188, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

FRED HORN,
LOWELL BARRON,
W. H. DRINKARD,

Conferees on the Part of the Senate.

JAMES M. CAMPBELL,
TAYLOR HARPER,
GARY WHITE,

Conferees on the Part of the House.

CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 188**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Special Schools for Special

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Education for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1990, the sum of one million five hundred sixty-six thousand dollars (\$1,566,000) out of the funds in the Alabama Special Educational Trust Fund to be used for the support and maintenance of the Special Schools for Special Education and to be distributed by the State Board of Education as follows:

(a) Butler County Training School for the Mentally Retarded in Greenville	25,875
(b) Hope Haven School in Colbert County	35,000
(c) Montgomery Institute of Neurological Development	25,875
(d) Birmingham Training Center for Brain-Injured Children	36,225
(e) Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled	51,750
(f) Alice Pigman School	77,625
(g) Geneva County Day Care and Training Center	51,750
(h) McGraw Activity Center	51,750
(i) Dallas County Day Care and Training Center	51,750
(j) Calhoun County Community—"EDUCATION PAR EXCELLENCE"	75,000
(k) North Talladega County Association for Retarded Citizens, Inc.	25,875
(l) South Talladega County Association for Retarded Citizens, Inc.	25,875
(m) ECHO FOUNDATION	15,525
(n) Vivian B. Adams School	284,625
(o) McInnis School of Montgomery	414,000
(p) Alan Cott School	103,500
(q) Children's Hands-On Museum in Tuscaloosa	35,000
(r) Madison County Opportunities Center	25,000
(s) Madison Park Hope Center	20,000
(t) Dee Day School-Cherokee County	25,000
(u) Clay County Learning Center-Clay County	25,000
(v) Jackson-DeKalb County Special School for the Retarded at Northeast Junior College	39,000
(w) Valley Haven School	25,000
(x) Russellville City School for Multi-Handicapped Children	20,000

And said Bill, H. B. 188, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, H. B. 188, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Covington, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 188, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Langford	
Amari	Covington	Figures	Manley	
Barron	deGraffenried	Foshee	Preuitt	
Bedford	Denton	Goodwin	Rice	
Bishop	Dial	Horn	Windom	
Campbell	Drinkard			—21
<i>Nays:</i>				—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 220. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1990.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 191. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1990.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

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H. 201. To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1990.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 234. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1990.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1065. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Education for the Hemophilia Program for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 224. To make an appropriation for the support and maintenance of Child Advocacy Centers for the fiscal year ending September 30, 1990 and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 62. To further amend Section 36-27-6, Code of Alabama 1975, as amended, relating to participation in the state employees' retirement system by employees and public officers of counties, municipalities and other political subdivisions and quasi-public organizations, so as to authorize certain em-

ployees of the community action agencies to be members of the state employees' retirement system upon certain conditions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Barron, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 62, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 62

A BILL TO BE ENTITLED AN ACT

To provide that the governing board of any community action agency created or organized pursuant to §§11-80-4.1, 11-96-3 or 11-96-6, Code of Alabama 1975, may elect to cover its employees and its executive officers covered under the Teachers' Retirement System of Alabama upon certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Any governing body of any community action agency organized pursuant to §§11-80-4.1, 11-96-3 or 11-96-6, Code of Alabama 1975, as amended may by resolution legally adopted to conform to the rules prescribed by the Board of Control of the Teachers' Retirement System elect to have its executive officers and employees from whatever source and in whatever manner paid become eligible to participate in the Teachers' Retirement System of Alabama subject to all rules, regulations and conditions thereof.

Section 2. The governing body of any community action agency eligible under Section 1 of this act and having made an election by resolution as provided therein, its employees and executive officers may participate in and be entitled to all benefits of the Teachers' Retirement System of Alabama, provided that where contributions are made from salaries paid by a community action agency the agency shall pay the employer cost calculated as a percentage of the salaries of those employees to be contributed as employer cost in accordance with subdivisions 3 and 5 of §16-25-21, Code of Alabama 1975. Such amounts shall be paid monthly and at the same time as the member's contributions are made to the Teachers' Retirement System.

Section 3. The governing body of a community action agency eligible under Section 1 of this act may provide in its resolution to the Teachers' Retirement System's Board of Control that all service rendered by an eligible employee or executive officer to said agency previous to the effective date of said agency's election to come under the Teachers' Retirement System shall be creditable service to such employee or executive officer, provided that any such provision shall apply only to those employees and officers who were in the active service of the agency on the effective date of said agency's election to be covered under the Teachers' Retirement System, and provided further that the said resolution also states that the agency shall assume and pay as required all costs necessary to fund the crediting of such previous service, such costs to be determined by the actuary employed by the Teachers' Retirement System's Board of Control.

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Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Dial	Langford	
Amari	Corbett	Drinkard	Manley	
Barron	Covington	Figures	Preuitt	
Bedford	deGraffenried	Foshee	Rice	
Bishop	Denton	Goodwin	Windom	—19

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 284. Relating to the standards for fiduciary investment and management by adding a new Section 19-3-120.2 to Title 19, Chapter 3, Code of Alabama 1975, so as to provide that standards for fiduciary investments and management to be that of a prudent person; that the propriety of an investment decision is to be determined by what a fiduciary knew or should have known at the time of the decision; that a fiduciary is entitled to rely in good faith upon the express provisions of a governing instrument; that a fiduciary may hold property received by it in an account at its inception or subsequently added to it and that such property may include stock in the fiduciary if a corporation and stock in any corporation controlling, controlled by or under common control with the fiduciary; that a court may permit a fiduciary to deviate from the terms of a governing instrument; and that the provisions of this Act apply to all fiduciary relations now existing or hereafter created; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 595. To amend Section 12-17-140 of the Code of Alabama 1975, relating to qualifications for supernumerary status for circuit clerks and registers, so as to provide additional qualifications for supernumerary circuit register status.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 189. To amend Section 41-16-21.2, Code of Alabama 1975, which exempts certain state agencies whose principal business is honorariums from the competitive bid law, so as to provide further for such exemption.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 18. Relating to municipal courts; to amend Section 12-14-5, Code of Alabama 1975, which section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which section relates to appeals to the circuit court from judgments of municipal courts; and to establish an effective date.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 36. To establish, create, and provide for an annual "Free Fishing Day" for calendar year 1989 and each year thereafter; to designate said day for calendar year 1989; to provide for the designation of said day in each future calendar year; to provide for certain exemptions on said day from certain fishing license requirements under Sections 9-11-53, 9-11-54, 9-11-55, and 9-11-56 of the Code of Alabama 1975, as amended from time to time.

Also:

S. 87. To amend and revise the notice of appointment of personal representatives and to amend and clarify the nonclaim statute by amending Ala. Code Sections 43-2-60, 43-2-61 and 43-2-350 (1975).

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 200. To amend Section 40-12-240, Code of Alabama 1975, relating to definitions of motor vehicles, so as to define the portions of the definition

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of gross vehicle weight which are no longer applicable and to amend Section 40-12-248, Code of Alabama 1975, relating to taxes and fees on trucks and tractors, so as to reduce the annual license taxes and registration fees on certain trucks known as self-propelled campers or house cars.

Also:

S. 215. To amend Section 27-7-5, Code of Alabama 1975, so as to exempt from examination requirements those applicants whose license is limited to personal property insurance sold to borrowers or debtors under a master group policy issued to a creditor.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 148. To amend sections 34-1-4, 34-1-11, and 34-1-12, Code of Alabama 1975, which relate to the granting of certificates to certified public accountants and the renewal, suspension, and revocation of licenses of certified public accountants, so as to provide further for said certificates and licenses.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 271. To amend Section 37-6-21 of the Code of Alabama of 1975 to establish disclosure requirements for offers to purchase or lease a substantial portion of a cooperative's property, to require transmittal of such offers to other cooperatives, to establish exceptions to the disclosure requirements, prohibit untrue statements in disclosure statements and make offers and purchases in violation of the disclosure requirements void, unenforceable and rescindable.

Also:

S. 469. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

JOHN W. PEMBERTON,
Clerk.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. B. 631	S. B. 32	S. B. 637
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S. B. 632

Delivered to the Secretary of State, May 4, 1989, at 10:43 A.M.

S. B. 20	S. B. 220	S. B. 117
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S. B. 27	S. B. 224	S. B. 135
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S. B. 31	S. B. 280	S. B. 207
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S. B. 72	S. B. 281	S. B. 217
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S. B. 83	S. B. 368	S. B. 441
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S. B. 187	S. B. 419	S. B. 480
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S. B. 191	S. B. 21	S. B. 616
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Delivered to the Governor, May 4, 1989, at 10:51 A.M.

S. B. 308

Delivered to the Secretary of State, May 4, 1989, at 1:25 P.M.

S. B. 216

Delivered to the Governor, May 4, 1989, at 4:36 P.M.

S. B. 28

S. B. 557

Delivered to the Governor, May 4, 1989, at 6:15 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 7:10 P.M., on motion of Senator Rice, in accordance with Joint Resolution and Motion heretofore adopted, the Senate adjourned until Thursday, May 11, 1989, at 10 o'clock A.M.

TWENTY-NINTH LEGISLATIVE DAY

THURSDAY, MAY 11, 1989

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Jack F. Douglas, Pelham Baptist Church, Pelham, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Karen Thompson, Carver High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Mitchem
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Rice
Bedsale	Dial	Hilliard	Sanders
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Cabaniss	Ellis	Langford	Windom

—35

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

MOTION TO RECESS

Senator deGraffenried moved that when the hour of 12 o'clock Noon is reached, the Senate take a recess until 1:30 this afternoon, which motion was adopted.

RESOLUTIONS

Senator Dial offered the following Senate Joint Resolution, to-wit:

S. J. R. 248. COMMENDING THE CLEBURNE COUNTY HIGH SCHOOL INTERMEDIATE FUTURE PROBLEM SOLVING TEAM.

WHEREAS, in consensus of commendation and esteem, the Alabama Legislature congratulates the Cleburne County High School Intermediate Team, comprised of five gifted and talented students, grades 7-9, who won the Alabama Future Problem Solving Bowl, junior high division, and will represent the State of Alabama in the International Bowl, June 11-14, 1989, in Ann Arbor, Michigan; and

WHEREAS, the Future Problem Solving Program emphasizes problem solving as the most basic skill taught in today's schools and, most particularly,

future problem solving which demands both divergent and convergent thinking in the interaction process of a team setting; and

WHEREAS, this year-long educational program provides a forum whereby capable and gifted students are challenged to solve problems related to five different topics which are changed annually; and

WHEREAS, the intermediate team winners from Cleburne County High School, and Alabama's leaders of tomorrow, are Matt Clegg, Ryan Brown, Zach Butterworth, Jason Shumake and Jeremy Whitman (alternate) who excelled in this year's problem solving topics related to Energy Sources, Youth and the Law, Nutrition and Employment; the 1989 International Bowl topic will be related to Terrorism; and

WHEREAS, serving as parent sponsor for the team is Joan Butterworth (Mrs. Dan L.) and the teacher sponsor is Billie Small who is the gifted program coordinator at Cleburne High; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the sponsors and members of the Cleburne County High School Intermediate Future Problem Solving Team for outstanding achievement and do further express gratitude for their distinguished representation of the State of Alabama in forthcoming International Bowl competition.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for appropriate presentation and display at Cleburne County High School.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Covington offered the following Senate Resolutions, to-wit:

S. R. 249. COMMENDING LINDA PARRISH OF WALLACE COLLEGE/DOTHAN FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S. R. 250. COMMENDING MYRA WOODHAM OF WALLACE COLLEGE/DOTHAN FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S. R. 251. COMMENDING MINA DICKENS OF WALLACE COLLEGE/DOTHAN FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Which were filed.

Senator Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 252. REQUESTING A JOINT STUDY ON DEER HUNTING IN THE CONECUH NATIONAL FOREST.

WHEREAS, it has come to the attention of certain members of the Alabama Legislature that areas of the Conecuh National Forest lying within the boundaries of Escambia and Covington Counties might be designated as a game management area by the National Forest Service and the Alabama Department of Conservation; and

WHEREAS, there are conflicting reports as to the deer population on this national forest public land; and

WHEREAS, a vast majority of the people in Escambia and Covington Counties have a deep and abiding interest in these public forest lands because of their location within these two counties; and

WHEREAS, the desires of the dog hunters in Escambia and Covington Counties should be given particular consideration in any decision regarding deer hunting on the lands of the Conecuh National Forest within these counties; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do encourage and request that the National Forest Service and the Alabama Department of Conservation and Natural Resources meet with representatives of the South Alabama Dog Hunters Association to study the Conecuh National Forest with regard to the deer population and the hunting thereof and the need for food plots. We particularly request that no changes be made in the hunting methods and seasons for at least one year until a mutually agreeable solution can be reached by all the parties concerned.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the National Forest Service and the Alabama Department of Conservation and Natural Resources.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 500. To make a certain appropriation from the state general fund to a special trust account in the state treasury, to initially establish and to recapitalize economic development revolving loan funds that regional planning and development commissions may draw upon for monies to facilitate access to available federal funds or foundation grants that could provide capital for economic development projects; to provide for a permanent regional revolving loan funds legislative oversight committee to make allocations from said trust account to the revolving loan funds of the several regional planning and development commissions throughout the state; to prescribe the compensation of such legislative oversight committee; to authorize said committee along with the executive directors of certain regional planning and development commissions to promulgate and implement administrative rules and procedures for the administration of such revolving loan funds and to provide that the legislature shall make an appropriation in the general fund budget each fiscal year after 1989-90 to such trust account.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 500, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 500

Amend Senate Bill 500 on page 2, line 9 by deleting the figure "\$2,000,000" and inserting in lieu thereof the figure \$500,000

Further amend Senate Bill 500 on page 2, line 14 after the period by inserting the following sentence:

There is also hereby conditionally appropriated to the special economic development revolving loan trust account from the state general fund the sum of \$1,500,000 to be conditioned on the availability of funds and the approval of the Governor.

Yeas 21; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley
Barron	deGraffenried	Goodwin	Rice
Bedsole	Denton	Hale	Sanders
Bennett	Dial	Hilliard	Smith (B)
Campbell	Dixon	Langford	Windom
Corbett	Figures		

—21

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 224. To make an appropriation for the support and maintenance of Child Advocacy Centers for the fiscal year ending September 30, 1990 and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 188. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 234. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1990.

Also:

H. 1065. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Education for the Hemophilia Program for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 191. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1990.

Also:

H. 201. To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1990.

Also:

H. 202. To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1990.

Also:

H. 204. To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1990.

Also:

H. 206. To make an appropriation for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1990.

Also:

H. 220. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1990.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 19. To amend Section 32-5-215, Code of Alabama 1975, relating to windshields on motor vehicles, to prohibit tinting or making reflective or affecting transparency of certain windshields and certain windows of motor vehicles.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Senator Denton moved that the Senate non-concur in the following House amendment to the Bill, S. B. 19, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 19

A BILL TO BE ENTITLED AN ACT

To amend Section 32-5-215, Code of Alabama 1975, relating to windshields on motor vehicles, to prohibit certain tinting or making reflective or

affecting transparency of certain windshields and certain windows of motor vehicles; and to provide for enforcement by the department of public safety.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-5-215, Code of Alabama 1975, is hereby amended to read as follows:

“§32-5-215.

“(a) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, sidewings or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

“(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

“(c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

~~“(d) No person shall operate a motor vehicle which has a windshield, sidewing or rear window which has tinting to the extent or manufactured in such a way that occupants of the vehicle cannot be easily identified or recognized through the sidewing or rear windows from outside the motor vehicle.~~

“(d) No person shall operate any motor vehicle registered in this state upon any public highway, road or street:

“(1) the front windshield of which is composed of, covered by or treated with any material which has a visible light reflectance of more than twenty percent (20%) or a visible light transmittance of less than thirty-five percent (35%) unless such materials are limited to the uppermost six (6) inches of the windshield; or

“(2) the sidewings or side windows of which on either side forward or adjacent to the operator's seat are composed of, covered by or treated with any material which when tested has a visible light reflectance of more than twenty percent (20%) or a visible light transmittance of less than thirty-five percent (35%); or

“(3) the rear window of which is composed of, covered by or treated with any material which has a visible light reflectance of more than twenty percent (20%) or a visible light transmittance of less than thirty-five percent (35%). A rear window may be treated with a material of a light transmittance of less than thirty-five percent (35%) if the vehicle is equipped with side mirrors on both sides of the vehicle so adjusted that the driver thereof shall have a clear and full view of the road and condition of traffic behind such vehicle.

~~“(e) The provisions of this section shall not apply to the manufactured tinting of windshields of motor vehicles or to certificates of identification, decals or other papers required by law to be displayed on such windshield or windows.~~

“(e) From and after January 1, 1990, each manufacturer of material designed to be affixed or applied to the windows or windshields of a motor

vehicle shall, before shipping such material into this state, apply to the director of public safety for approval and registration of its material and the label for identification and certification of compliance. No material shall be approved by the director unless the manufacturer demonstrates that such material meets the visible light transmission and visible light reflectance requirements of this act. The manufacturer of any material shipped into this state on or after January 1, 1990, shall provide labels of a size and type approved by the director of public safety, written instructions for the placement of such labels, and a notice that the improper installation of material to a window or windshield or the failure to display a label as provided in this subsection is a violation of state law. It shall be unlawful for any person to alter or reproduce any label approved by the director or to knowingly use any approved label except as authorized by this code section.

“(f) From and after January 1, 1990, any motor vehicle which has material applied or affixed to the windows or windshield of such vehicle, which reduces the visible light transmission through such window or windshield or increased the visible light reflectance of such window or windshield, shall display a label visible from the outside of such vehicle indicating that such windows and windshield are in compliance with the light transmission and light reflectance requirements as provided in this act. From and after January 1, 1990, no person shall install any material upon the windshields or windows of any motor vehicle, that reduces the visible light transmission or increases the visible light reflectance in violation of this act.

“(g) On and after January 1, 1990, no person shall manufacture, sell, offer for sale, equip or operate a motor vehicle in this state in violation of the provisions of this act.

“(h) Until June 1, 1990, any violation of this amendatory act shall be dismissed by the court if within thirty days of such violation proof satisfactory to the court that the vehicle cited in such violation has been conformed to the provisions of this act and the operation of such vehicle no longer violates the provisions of this act is submitted to the court.

“(i) The director of the department of public safety shall make such rules and regulations as he shall deem necessary to carry out the provisions of this act.

“(j) The provisions of this section shall not apply to the vehicle manufacturer's original equipment which at the time of delivery is in compliance with Federal Motor Vehicle Safety Standard 205, Glazing Materials.”

Section 2. This act shall become effective January 1, 1990.
and request a Committee on Conference.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 253. CONGRATULATING RIDDLE'S CHAPEL METHODIST CHURCH UPON THE OCCASION OF ITS 110TH YEAR ANNIVERSARY.

Which was filed.

Senator Sanders offered the following Senate Resolutions, to-wit:

S. R. 254. COMMENDING GREGORY NICHOLS FOR RECEIVING THE AMERICAN RED CROSS CERTIFICATE OF MERIT AWARD.

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Also:

S. R. 255. COMMENDING DAVID IVEY FOR RECEIVING THE AMERICAN RED CROSS CERTIFICATE OF MERIT AWARD.

Which were filed.

Senator deGraffenried offered the following Senate Resolution, to-wit:

S. R. 256. COMMENDING AURA MILLER OF THE GRAND HOTEL, POINT CLEAR, ALABAMA.

Which was filed.

FURTHER CONSIDERATION OF S. B. 19

The Senate proceeded to further consideration of the Bill, S. B. 19. The question was on the motion of Senator Denton that the Senate non-concur in the House amendment to the Bill, S. B. 19, and requests a Committee on Conference, which motion was adopted.

Yeas 28; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley
Barron	deGraffenried	Hale	Mitchem
Bedford	Denton	Hand	Parsons
Bedsole	Dixon	Hilliard	Preuitt
Bennett	Drinkard	Holmes	Sanders
Cabaniss	Ellis	Horn	Smith (J)
Campbell	Figures	Langford	Windom
Corbett			—28

Nays: —0

And the President and Presiding Officer of the Senate appointed as Conferees on part of the Senate, Senators Bedsole, Denton, and Corbett.

FURTHER CONSIDERATION OF H. B. 1005

The Senate proceeded to further consideration of the Bill:

H. 1005. To amend Sections 40-23-2 and 40-23-61 of the Code of Alabama 1975 so as to provide for the taxation of materials and supplies used for mobile home set-up at the rate of 2%.

And said Bill, H. B. 1005, was read a third time at length and passed.

Yeas 21; Nays 5.

Yeas:

Senators:	Cabaniss	Drinkard	Hilliard
Bailey	Campbell	Foshee	Holmes
Barron	Corbett	Goodwin	Mitchem
Bedford	Covington	Hale	Parsons
Bedsole	deGraffenried	Hand	Preuitt
Bennett	Denton		—21

Nays:

Senators:	Manley	Smith (J)	Windom
Ellis	Sanders		—5

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Bill No. 83, without the Governor's signature and approval, but with the following Executive Amendment.

Done this 4th day of May, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill No. 83, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO SENATE BILL NUMBER 83:

Please amend Senate Bill No. 83 by accepting the attached substitute for Senate Bill No. 83 in lieu of the bill as transmitted for my signature.

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 4th day of May, 1989.

Respectfully,

GUY HUNT,
Governor.

SUBSTITUTE FOR S. B. 83.**A BILL
TO BE ENTITLED
AN ACT**

Relating to the Public Service Commission; to amend Sections 37-2-41, 37-4-23 and 37-4-116 of the Code of Alabama 1975, relating to imposition and disposition of certain inspection and supervision fees collected by the Alabama Public Service Commission, so as to provide further for the imposition and disposition of such fees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 37-2-41 of the Code of Alabama 1975 is hereby amended to read as follows:

“§37-2-41.

“(a) Each transportation company doing business in this state and subject to the control and jurisdiction of the commission with respect to its rates and service regulations shall pay quarterly to the commission, beginning November 1, 1985 and on each quarter thereafter, February 1, May 1, August 1, and November 1 of each year, a fee for the inspection and supervision of such business during the next preceding fiscal year. Such inspection and supervision fees shall be paid by such transportation companies in addition to any and all property, franchise, license, intangible and other taxes, fees and charges now or hereafter provided by law. No similar inspection and supervision fees shall be levied or assessed by any county or municipality of the state, and no part of such inspection and supervision fees shall be allowed to any county or municipality of this state. Such inspection and supervision fees shall be measured by the amount of gross receipts of each such transportation company for the fiscal year next preceding the dates herein fixed for the payment of the same, except that in case of such transportation companies engaged in interstate business, the fees shall be measured by the gross receipts of such transportation companies from intrastate business only, for such preceding fiscal year, and not in any respect upon receipts derived wholly or in part from interstate business. Such fees shall be ascertained as follows: A fee of \$2.50 per \$1,000.00 for the first \$100,000.00 or less of such gross receipts; a fee of \$2.00 per \$1,000.00 for each additional \$1,000.00 of such gross receipts up to and including \$1,000,000.00 thereof; a fee of \$1.50 per \$1,000.00 for each additional \$1,000.00 of such gross receipts over \$1,000,000.00 thereof, but in no case shall said fee be less than \$25.00, which shall be the minimum inspection and supervision fee to be paid by any transportation company. However, all transportation companies with gross intrastate receipts in excess of \$60,000,000.00 per calendar quarter will continue to submit the quarterly payment of fees, as due on the intrastate gross receipts of the fiscal year ended September 30, 1984, through August 1, 1985. On September 1, 1985 such companies shall pay fees due for the calendar quarter ended December 31, 1984. Beginning November 1, 1985 such companies shall pay over on a quarterly basis beginning with the calendar quarter ended March 31, 1985 and henceforth for the calendar quarters ending June 30, September 30, December 31 and March 31 of each year on the following February 1, May 1, August 1 and November 1 of each year respectively; provided, however, that the maximum amount so to be paid for any one year by any such transportation company operating any railroad, or part of a railroad in this state, shall be \$5,000.00. The commission shall keep a true record of all such amounts so paid to it, under this subsection and subsection (b) of this section, but said amounts, when received by the commission, shall be promptly paid over to the treasurer, and shall be held in a separate the Commission's operating fund by, and shall be paid out by the treasurer in payment of expenses incurred by the commission ~~in the regulation of the transportation companies,~~ under this Title upon warrants drawn as provided by law upon the treasurer and approved as required by law. Payment of the supervision and inspection fees provided for hereunder shall in all respects be governed by the provisions of subsections ~~(b)~~ (c) and ~~(e)~~ (d) of this section.

“(b) In lieu of the inspection and supervision fees provided for in subsection (a) of this section, each provider of pay telephone service over

instruments owned and/or operated by local exchange companies, interexchange companies, and customer-owned, coin operated telephone service providers doing business in the state and subject to the control and jurisdiction of the commission, may elect to pay a fee for the inspection and supervision of such pay telephone or coin-operated telephone service business during the next preceding fiscal year. Such inspection and supervision paid in lieu of the fees provided for in subsection (a) of this section, shall be in addition to any and all property, franchise, license, intangible and other taxes, fees, and charges now or hereafter provided by law, and shall be measured by the number of instruments in operation during such fiscal year within the state of Alabama. Such fee shall be \$10.00 per instrument and no other inspection and supervision fee shall be due upon any such instrument.

~~“(b) (c)~~ Supervision and inspection fees provided for in this article shall be in default after February 1, May 1, August 1 and November 1 of each year, if not paid prior to or on that date. In the event that the amount payable by any transportation company for any quarter cannot be ascertained on or before the dates herein prescribed for payment each year, such transportation company shall, in any event, pay the minimum supervision and inspection fee herein provided and in addition such part of any additional supervision and inspection fee as may be ascertainable on or before the date of default; and when any further or additional amount payable for such quarter can be ascertained, the same shall be paid within 30 days after it becomes possible to ascertain the same. Any transportation company failing in whole or in part to pay any supervision or inspection fee, or part thereof, due by it within any of the times herein prescribed for payment of the same, shall be in default and shall be liable to a penalty of not exceeding \$50.00 per day, to be recovered by suit of the state, for every day it thereafter remains in default, and such penalty may be recovered together with the supervision and inspection fee in default, in a single action.

~~“(e) (d)~~ Any transportation company may, at their own election, pay over the total fees due for the preceding fiscal year on November 1 of each year. Such payment to be governed by the provisions of subsections ~~(b) (c)~~ and ~~(d) (e)~~ of this section.

~~“(d) (e)~~ The state shall have a lien upon all the property in this state of any transportation company for the payment of the supervision and inspection fees provided for in this chapter to be paid and the penalties in this chapter provided for, which lien shall be superior to all other liens, except the lien for state, county and municipal taxes.”

Section 2. Section 37-4-23 of the Code of Alabama 1975, is hereby amended to read as follows:

“§37-4-23.

“Each utility, as defined in this chapter, doing business in this state and subject to the control and jurisdiction of the commission with respect to its rates and service regulations, shall pay quarterly to the commission beginning November 1, 1985 and on each quarter thereafter February 1, May 1, August 1, and November 1 of each year, a fee for the inspection and supervision of such business. Such inspection and supervision fees shall be paid by such utilities in addition to any and all property, franchise, license, intangible and other taxes, fees and charges now or hereafter provided by law. No similar inspection and supervision fees shall be levied or assessed by any county or municipality of the state, and no part of such inspection and supervision fees shall be allowed to any county or municipality of this

state. Such inspection and supervision fee shall be measured by the amount of the gross receipts of each such utility for the fiscal year next preceding the dates fixed in this article for the payment of the same, except that in case of such utilities engaged in interstate business, the fees shall be measured by the gross receipts of such utilities from intrastate business only, for such preceding fiscal year, and not in any respect upon receipts derived wholly or in part from interstate business. Such fees shall be ascertained as follows: A fee of \$2.50 per \$1,000.00 for the first \$100,000.00 or less of such gross receipts; a fee of \$2.00 per \$1,000.00 for each additional \$1,000.00 of such gross receipts up to and including \$1,000,000.00 thereof; and a fee of \$1.50 per \$1,000.00 for each additional \$1,000.00 of such gross receipts over \$1,000,000.00 thereof; but in no case shall said fee be less than \$25.00, which shall be the minimum inspection and supervision fee to be paid by any utility. However, all utilities with gross intrastate receipts in excess of \$60,000,000.00 per calendar year will continue to submit the quarterly payment of fees, as due on the intrastate gross receipts of the fiscal year ended September 30, 1984, through August 1, 1985. On September 1, 1985 such utilities shall pay fees due based on gross receipts for the calendar quarter ended December 31, 1984. Beginning November 1, 1985 such companies shall pay over on a quarterly basis fees based on gross receipts for the calendar quarter ended March 31, 1985 and henceforth for the calendar quarters ending June 30, September 30, December 31 and March 31 of each year on the following February 1, May 1, August 1 and November 1 of each year respectively. The commission shall keep a true record of all such amounts so paid to it, but said amounts when received by the commission shall be promptly paid over to the treasurer and shall be held in a ~~separate the Commission's operating fund by him; except those funds identified in Title 37-4-88 which are designated for the 'Gas Pipeline Safety Fund,' and shall be paid out by the treasurer in payment of expenses incurred by the commission under this Title in the regulation of the utilities upon warrants drawn by the comptroller on the treasurer, and approved by said commission or a majority thereof.~~ Subject to the provisions of the merit system, the commission shall have power to employ such assistants as may be found necessary to aid the commission in such regulation, and to make payment for any necessary traveling or incidental expenses incurred in connection with such regulation, which shall be paid out of said fund as aforesaid, so far as it may be available. Payment of the supervision and inspection fees provided for under this section shall in all respects be governed by the provisions of section 37-4-24."

Section 3. Section 37-4-116 of the Code of Alabama 1975, is hereby amended to read as follows:

"§37-4-116.

"(a) Each radio utility, as defined in this article, doing business in this state and subject to the control and jurisdiction of the commission with respect to its rates and service regulations, shall pay ~~annually~~ quarterly to the commission, ~~on or before February 1 of each year, beginning on November 1, 1988, and on each quarter thereafter, February 1, May 1, August 1, and November 1 of each year,~~ a fee of ~~\$25.00~~ for the inspection and supervision of such business ~~during the next preceding fiscal year.~~ Such inspection and supervision fees shall be paid by such radio utilities in addition to any and all property, franchise, license, intangible and other taxes, fees and charges now or hereafter provided by law. No similar inspection and supervision fees shall be levied or assessed by any county or municipality of the state, and no part of such inspection and supervision fees shall be allowed to any

county or municipality of this state. Such inspection and supervision fees shall be measured by the amount of the gross receipts of each such utility derived from the sale of air time for the fiscal year next preceding the dates herein fixed for the payment of the same, except that in case of such utilities engaged in interstate business the fee shall be measured by the gross receipts of such utilities from intrastate business only, for such preceding fiscal year, and not in any respect upon receipts derived wholly or in part from interstate business. Such fees shall be ascertained as follows: A fee of \$2.50 per \$1,000.00 for the first \$100,000.00 or less of such gross receipts; a fee of \$2.00 per \$1,000.00 for each additional \$1,000.00 of such gross receipts up to and including \$1,000,000.00 thereof; and a fee of \$1.50 per \$1,000.00 for each additional \$1,000.00 of such gross receipts over \$1,000,000.00 thereof; but in no case shall said fee be less than \$50.00, which shall be the minimum inspection and supervision fee to be paid by any radio utility, and this amount shall in any event be paid over on a quarterly basis beginning November 1, 1988, at which time the first amount due based upon the remainder of the fiscal year January 1, 1988, through September 30, 1988, is to be paid, and then to be paid on each quarter thereafter on February 1, May 1, August 1, and every year thereafter to be paid over on November 1, February 1, May 1, and August 1 for the preceding fiscal year. The commission shall keep a true record of all such amounts so paid to it, but said amounts when received by the commission shall be promptly paid over to the treasurer and shall be held in the commission's operating a separate fund by him, and shall be paid out by the treasurer in payment of expenses incurred by the commission under this Title in the regulation of the radio utilities, upon warrants drawn by the comptroller on the treasurer, and approved by said commission or a majority thereof. Subject to the provisions of the merit system, the commission shall have power to employ such assistants as may be found necessary to aid the commission in such regulation, and to make payment for any necessary traveling or incidental expenses incurred in connection with such regulation, which shall be paid out of said fund as aforesaid, so far as it may be available.

“(b) Supervision and inspection fees provided for in this chapter shall be in default on or after ~~February~~ first the dates herein prescribed of each year, if not paid prior to that date. Any radio utility failing, in whole or in part, to pay any supervision or inspection fee, or part thereof, due by it within the time prescribed in this section for the payment of the same, shall be in default, and shall be liable to a penalty of not exceeding \$5.00 per day, to be recovered by suit of the state, for every day it thereafter remains in default, and such penalty may be recovered together with the supervision and inspection fee, in default, in a single action. And the state shall have a lien upon all the property in this state of any radio utility for the payment of the supervision and inspection fees provided by this article, to be paid, and the penalties in this section provided for, which lien shall be superior to all other liens, except the lien for state, county and municipal taxes.

“(c) Any radio utility may, at its own election, pay over the total fee due for the preceding fiscal year on November 1 of each year, such payment to be governed by the provisions of subsection (b) of this section.”

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

GOVERNOR'S MESSAGE

On motion of Senator Covington, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 83. To amend Section 37-4-116 of the Code of Alabama 1975, relating to fees for inspection and supervision of radio utilities, so as to provide further for such fees and to provide for payment on a quarterly basis.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Hale	Mitchem	
Bailey	Covington	Hand	Parsons	
Barron	deGraffenried	Hilliard	Preuitt	
Bedford	Denton	Holmes	Sanders	
Bennett	Dixon	Langford	Windom	
Cabaniss	Ellis	Manley		—22

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 485. To authorize and provide the procedure for employees, officers and retiring employees of certain counties, cities and towns and members of the legislature to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees, officers and retiring employees and their dependents and members of the legislature and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 485, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 485

In the title, page 1, line 20, and in Section 1, page 1, line 30, delete the words "counties," and "county," respectively.

Yeas 23; Nays 1.

Yeas:

Senators:	Cabaniss	Dixon	Holmes	
Bailey	Corbett	Ellis	Langford	
Barron	Covington	Goodwin	Manley	
Bedford	deGraffenried	Hale	Parsons	
Bedsole	Denton	Hand	Preuitt	
Bennett	Dial	Hilliard	Smith (J)	—23

Nay: Senator Windom

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 7. To provide that any person who kills a dog used by a peace officer within the line and scope of said officer's duties shall be guilty of a felony offense.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Mitchem, the Senate non-concurred in the following House amendment to the Bill, S. B. 7, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 7

Amend S. B. 7, lines 11, 19 & 28 by striking the words "Class C felony" and substituting therefor Class A misdemeanor

Also:

Amend S. B. 7 on page 1 line 29 by adding the following sentence:

"The provisions of this bill shall not apply to any person who violates the provision of this bill during the course of an orderly demonstration or activity in pursuit of one's civil rights."

and requested a Committee on Conference.

Yeas 24; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley	
Bailey	Corbett	Goodwin	Mitchem	
Barron	Covington	Hale	Parsons	
Bedford	deGraffenried	Hand	Preuitt	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dial	Langford	Windom	
Cabaniss				—24

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate, Senators Manley, Barron, and Mitchem.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 337. To amend the Adult Protective Services Act of 1976, Sections 38-9-2, 38-9-6 and 38-9-7, Code of Alabama, 1975 to provide further protection for adults who, because of the infirmities of age, disabilities or like incapacities, are in need of protection and provides criminal penalties for the abuse, neglect or exploitation of any adult.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Bennett, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 337, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 337

Amend Senate Bill 337, Section 1, Page 3, after Line 32, by adding the following new subsections:

(16) Person. Any natural Human Being.

(17) Intentionally. A person acts intentionally with respect to a result or to conduct described by a statute defining an offense, when his purpose is to cause that result or to engage in that conduct."

(18) Recklessly. A person acts recklessly with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard conduct that a reasonable person would observe in the situation. A person who creates a risk but is unaware thereof solely by reason of voluntary intoxication, as defined in subdivision (e)(2) of Section 13A-3-2, acts recklessly with respect thereto.

Also:

Amend Senate Bill 337, Section 1, Page 2, Line 32, by striking the following word: "~~sustenance,~~"

Further amend Senate Bill 337, Section 1, Page 2, Line 31, by striking the following: "~~basic needs such as~~"

Also:

Amend Senate Bill 337, Section 2, Page 6, Line 11, after the words: "having the same powers" by striking the following: ~~as a guardian~~ and substituting in lieu thereof the following:

, duties and obligations, including having a bond, as a guardian of

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Langford	
Bailey	Corbett	Goodwin	Manley	
Barron	Covington	Hale	Mitchem	
Bedford	deGraffenried	Hand	Preuitt	
Bedsole	Denton	Hilliard	Sanders	
Bennett	Dial	Holmes	Windom	
Cabaniss	Ellis	Horn		—26

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Bugg:

H. J. R. 568. MOURNING THE DEATH OF JULIUS SETH SWANN.

JOHN W. PEMBERTON,
Clerk.**HOUSE MESSAGE**

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 568, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Marietta, Zoghby, Kennedy, Buskey (JE), Gaston, Clark (W), Harper, Turner, and Box:

H. J. R. 563. HONORING KEN KVALHEIM.

Also:

By Rep. Perdue:

H. J. R. 564. RECOGNIZING WITH COMMENDATION THE OUTSTANDING ACCOMPLISHMENTS OF MOREHOUSE COLLEGE.

JOHN W. PEMBERTON,
Clerk.**HOUSE MESSAGE**

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 563 and 564, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Flowers:

H. J. R. 526. COMMENDING KIRK PARSONS OF MONTGOMERY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 526, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Rains:

H. J. R. 528. MOURNING THE DEATH OF KENNEDY EARL LANDERS OF JACKSONVILLE, ALABAMA.

Also:

By Rep. Rains:

H. J. R. 531. COMMENDING JASON WATTS OF MARSHALL COUNTY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Rains:

H. J. R. 532. COMMENDING TRACY LYNN OF MARSHALL COUNTY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Reps. McDowell, White (G), Beers, Payne, and McClain:

H. J. R. 549. DESIGNATING MAY 9, 1989, AS NATIONAL TEACHERS DAY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 528, 531, 532, and 549, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Buskey (JE):

H. J. R. 550. COMMENDING HOWARD I. HENSON OF ATLANTA, GEORGIA.

Also:

By Rep. Spratt:

H. J. R. 552. RECOGNIZING WITH COMMENDATION, THE MERKERSON FAMILY REUNION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 550 and 552, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Perdue:

H. J. R. 513. CONGRATULATING MR. AND MRS. GEORGE PERDUE, SR., PARENTS OF OUR ESTEEMED COLLEAGUE, REPRESENTATIVE GEORGE PERDUE, JR., ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Clark (W):

H. J. R. 516. COMMENDING DR. A. W. WILSON, PASTOR OF HOLT STREET BAPTIST CHURCH, MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 513 and 516, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McMillan, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE),

Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 565. COMMENDING A CERTAIN COLLEAGUE, IN WHOSE NAME A CERTAIN ACT IS NAMED.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 565, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Butler:

H. J. R. 508. COMMENDING THE PPG INDUSTRIES AND EMPLOYEES ON 20 YEARS OF ALABAMA OPERATIONS.

Also:

By Rep. Hooper:

H. J. R. 509. CONGRATULATING MARGARET CELESTE LANG BOSCH, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

By Rep. Hooper:

H. J. R. 510. CONGRATULATING THOMAS L. DOYLE, PH.D., MONTGOMERY, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

By Rep. Perdue:

H. J. R. 512. COMMENDING LILLIE G. FLOOD FOR 29 YEARS OF OUTSTANDING SERVICE IN THE FIELD OF PUBLIC EDUCATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 508, 509, 510, and 512, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Laird:

H. J. R. 496. COMMENDING THE CLAY COUNTY EXCHANGE CLUB FOR OUTSTANDING ACCOMPLISHMENT.

Also:

By Rep. Payne:

H. J. R. 497. COMMENDING ERIC DANIEL GLIDEWELL OF TRUSSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Hooper:

H. J. R. 498. CONGRATULATING RICHARD P. HODGES, MONTGOMERY, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

By Rep. Hooper:

H. J. R. 499. CONGRATULATING SARAH BAINES ROBERTSON, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 496, 497, 498, and 499, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Knight and Hill:

H. J. R. 566. PROHIBITING THE RETIREMENT SYSTEMS OF ALABAMA FROM AUDITING FOR COMPUTING BENEFITS CERTAIN YEARS OF PRIOR SERVICE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That whenever any active and contributing member of either the teachers' retirement system or the employees' retirement system files notice of intent to retire from active service on a certain date as provided by law, the administration of the retirement systems of Alabama is hereby prohibited from auditing, for purposes of computing benefits, any of such member's creditable service as it appeared on his or her most recent statement of account, except such member's two most recent years of creditable service.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent forthwith to the administration of the retirement systems of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 566, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Mikell, McKee, Hooper, Holmes, and Buskey (JL):

H. J. R. 501. URGING THE CHIEF ADMINISTRATORS OF THE VARIOUS STATE DEPARTMENTS AND AGENCIES IN THE CAPITOL COMPLEX TO INITIATE PARTICIPATION BY THEIR DEPARTMENTS IN THE MCINNIS SCHOOL RECYCLING PROGRAM.

WHEREAS, vast quantities of "trash" are discarded daily by the various state departments and/or agencies, much of which is classified as recyclable material; and

WHEREAS, the McInnis School in Montgomery has had in operation for some period of time an efficient and well-organized recycling program, and the proceeds from the sale of these recyclable goods have provided the McInnis School, and other agencies of the Montgomery Association for Retarded Citizens (MARC), with much-needed funds to better serve the needs of retarded citizens, both adults and children, in the Montgomery area; and

WHEREAS, the McInnis School will provide appropriate containers to collect recyclable materials and will also provide regularly scheduled pick-up service, thereby serving the twofold purpose of helping to control the increasing problem of waste disposal while, at the same time, serving a very worthwhile purpose; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most strongly urge the chief administrators of the various state departments and agencies within the Capitol Complex to initiate participation and support by their respective departments in the McInnis School recycling program.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to each department affected by this request and that a copy also be forwarded to Governor Guy Hunt.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 501, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Melton:

H. J. R. 238. CREATING AN INTERIM COMMITTEE ON LOW INCOME HOUSING.

WHEREAS, the Alabama Legislature notes that housing for people on low income has become critical and funding sources therefor difficult to obtain for most; and

WHEREAS, a comprehensive study plan to assess and present solutions to the housing needs of our citizens is necessary for the Governor and the Legislature to address those needs; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby create the Joint Interim Committee on Low Income Housing for the purpose of assessing and addressing the housing needs of Alabamians on low income. Such committee shall be composed of fifteen members to include four members from each the House and Senate, appointed by the Speaker of the House and the Lieutenant Governor, respectively; and seven members from the public and private sectors who shall be appointed as follows: one by the Alabama Banking Industry; one by the Alabama Real Estate Industry; one by the Alabama Office of the Department of Housing and Urban Development; one by the Office of CSP of West Alabama; one by the Alabama Home Builders Association; one by the Alabama Office of the Farmer's Home Administration; and the Chief of Community Services Division of ADECA. The committee shall elect from its members its chairman and vice chairman, and shall set its own rules of procedure to conduct its affairs and meet at the call of the chair.

BE IT FURTHER RESOLVED, That the committee shall include in its comprehensive plan all pertinent areas and facets which impact the causes and solutions to the critical housing shortage and potential funding sources for producing affordable housing for persons on low income in Alabama, and specifically:

- a) an assessment of the status of low income housing in Alabama;
- b) the development of a plan which will be used to address the housing needs identified by the study;

- c) the identification and/or establishment of funding sources necessary to improve and produce low income housing; and
- d) the establishment of state policies on low income housing.

RESOLVED FURTHER, That upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses within and without the state for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee within and without the state; the members from the private sector and the public sector members, to the extent that said members are not reimbursed from their respective federal or state agencies, shall be reimbursed for their mileage and reasonable necessary expenses incurred attending to the business of the committee and upon approval of the chairman and as provided by law. Provided, however, such expenses shall not exceed the total sum of \$5,000.00 which shall be paid from any funds appropriated to the Legislature.

BE IT FURTHER RESOLVED, That the committee shall report its findings, conclusions and recommendations in writing on or before the fifth legislative day of the 1990 Regular Session, at which time the said committee shall be forever discharged of any duties or powers and shall be dissolved.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 238, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Beers:

H. J. R. 500. COMMENDING LISA MICHELLE SHANNON OF VESTAVIA HILLS, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

By Rep. Butler:

H. J. R. 502. COMMENDING THE ALABAMA LEADERSHIP NETWORK AS THE FIRST SUCH ORGANIZATION IN THE SOUTH, AND DESIGNATING OCTOBER 26, 1989, AS "A-TEAM DAY" IN ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 500 and 502, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. McMillan and Penry:

H. J. R. 554. RECOGNIZING WITH COMMENDATION THE NAMING OF THE VINCENT L. ULMER MEMORIAL PARK BY THE BAY MINETTE CITY COUNCIL.

Also:

By Reps. Kvalheim, Zoghby, Gaston, Marietta, Kennedy, and Buskey (JE):

H. J. R. 558. COMMENDING FATHER DONALD I. MACLEAN, S.J., AS THE NEWLY ELECTED PRESIDENT OF SPRING HILL COLLEGE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 554 and 558, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hall:

H. J. R. 548. URGING THE GRANTING OF CERTAIN RETIREMENT BENEFITS TO HUNTSVILLE UTILITIES EMPLOYEES.

WHEREAS, the Alabama Legislature in the 1988 Regular Session enacted Act No. 88-548, which provided that the governing body of any city which participates in the state retirement system may elect to permit its employees to retire after twenty-five years of creditable service, regardless of age; and

WHEREAS, the City of Huntsville has elected to provide said retirement option to the city employees of Huntsville; and

WHEREAS, it was the legislative intent of Act No. 88-548 that all city employees, including those employees of a board or commission not under the direct control of the city, would be granted said retirement option if a city elected to provide said option; and

WHEREAS, this body has learned that employees of Huntsville Utilities have been denied said twenty-five year retirement option; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the City of Huntsville and Huntsville Utilities to provide the same retirement benefits, including the twenty-five year retirement option, to employees of Huntsville Utilities as are provided to all other employees of the City of Huntsville.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Mayor of the City of Huntsville, the members of the city governing body and the head of Huntsville Utilities.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Smith (J), the Rules were suspended and the Resolution, H. J. R. 548, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Haynes and Johnson (RG):

H. J. R. 559. NAMING THE STUDENT CENTER AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND, THE "JOHN A. TEAGUE STUDENT CENTER."

WHEREAS, former State Senator John A. Teague of Childersburg served two years in the Alabama House of Representatives, three terms in the Senate, and as President Pro-Tempore of the Senate for the 1982-1986 quadrennium; and

WHEREAS, throughout his distinguished legislative tenure, John Teague served the State of Alabama honorably and well, and his selection as Most Effective Senator in 1982 speaks eloquently of his endless labor as a dedicated public servant working tirelessly for the good of district and state, and to the betterment of all citizens thereof; and

WHEREAS, a matter of special interest to Senator Teague is the Alabama Institute for Deaf and Blind which was chartered for the education of the sensory impaired and, in continuous legislative leadership and support for the school and its students, John Teague was one of the Institute's most vigorous champions; and

WHEREAS, in recognition of John Teague's service to the state and to the Alabama Institute for Deaf and Blind, it is both fitting and desirable that his contributions be honored in an appropriate and lasting manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the student center at the Alabama Institute for Deaf and Blind, located on the campus of the Alabama School for the Deaf, the "John A. Teague Student Center," and do further authorize that appropriate signs and markers be erected and maintained so designating said structure.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Alabama Institute for Deaf and Blind, and that a copy also be presented to Senator Teague as a memento of this honorary designation of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 559, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Senators Holmes, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Horn, Langford, Manley, Mitchem, Parsons, Preuit, Rice, Sanders, Smith (B), Smith (J), and Windom offered the following Senate Joint Resolution, to-wit:

S. J. R. 257. COMMENDING THE BALDWIN COUNTY HIGH SCHOOL JUNIORETTES, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize Alabamians of outstanding achievement, the Legislature of Alabama notes the notable accomplishments of the Juniorettes, an academic club of fifty-three young women at Baldwin County High School; and

WHEREAS, each Juniorette is chosen on her academic excellence, school extra-curricular activities, community involvement, high moral character and personality; and

WHEREAS, under the sponsorship of the Heritage Junior Women's Club of Bay Minette, the Juniorettes received a General Federation of Womens' Club Charter (GFWC); and

WHEREAS, the Juniorettes' involvement in community and civic affairs encompasses such activities as raising money for the March of Dimes and the American Cancer Society, assisting the Kiwanis with a clean-up campaign in Bay Minette, establishing an academic scholarship at Baldwin County High School for an outstanding graduating young woman; and

WHEREAS, the Juniorettes plan to erect a memorial rose garden of The American Heritage Rose in honor of Mrs. Mary Ellen Christenberry, a retired teacher from Baldwin County High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Juniorettes and their sponsor, Connie R. Holmes, for outstanding achievement.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Juniorettes and Connie R. Holmes with out very best wishes for the future.

On motion of Senator Holmes, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF COMMITTEE

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Venable:

H. 998. Proposing a constitutional amendment, pursuant to Amendment 425 of the Constitution of 1901, relating to Coosa County and the manner and method of compensating associate county commissioners, and providing for the election thereon.

The above Bill was read a second time at length as required by the Constitution.

RESOLUTIONS

Senator Hand offered the following Senate Resolution, to-wit:

S. R. 258. CONGRATULATING MR. AND MRS. LUKE WHETSTONE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Which was filed.

Senator Hand then offered the following Senate Joint Resolution, to-wit:

S. J. R. 259. RECOGNIZING WITH COMMENDATION THE 5TH ANNIVERSARY OF THE INCORPORATION OF ORANGE BEACH, ALABAMA.

WHEREAS, the State of Alabama includes many fine municipalities within its borders; and

WHEREAS, included among these municipalities are cities and towns, young and old, large and small; and

WHEREAS, the Town of Orange Beach, Alabama, voted to incorporate July 10, 1984; and

WHEREAS, the Town of Orange Beach, Alabama, incorporated August 1, 1984; and

WHEREAS, the first Town Council of the Town of Orange Beach, Alabama, took office October 15, 1984; and

WHEREAS, the Town of Orange Beach, Alabama, is representative of the growth and vitality of the State of Alabama; and

WHEREAS, the State of Alabama recognizes Orange Beach as the summer residence of citizens throughout the State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with highest commendation, we hereby recognize October 14, 1989, as the 5th birthday of the Town of Orange Beach to be celebrated as an Alabama Reunion event, and do further recognize the 2nd Saturday of subsequent year's as the annual birthday celebration for Orange Beach.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for presentation on October 14, 1989, to the Honorable Ronald Callaway, Mayor of the Town of Orange Beach.

On motion of Senator Hand, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Hand then offered the following Senate Resolution, to-wit:

S. R. 260. RECOGNIZING WITH COMMENDATION THE 5TH ANNIVERSARY OF THE INCORPORATION OF ORANGE BEACH, ALABAMA.

Which was filed.

BILLS ON THIRD READING

THE BILL:

H. 939. Relating to Lee County; to create the Lee County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Lee County; to grant the commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; and to provide exceptions for such zoning regulations and for appeals from the decisions of the commission.

was taken up.

On motion of Senator Corbett, further consideration of the Bill, H. B. 939, was postponed subject to the call of the Chair.

THE BILL:

H. 1087. Relating to Cleburne County; fixing the fee for the issuance of pistol permits in the county and providing for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund.

was taken up.

On motion of Senator Manley, further consideration of the Bill, H. B. 1087, was postponed subject to the call of the Chair.

THE BILL:

H. 1086. Relating to Conecuh County; to repeal Sections 8 and 9 of Act No. 86-322 of the 1986 Regular Session which relates to the composition, power and duties of the county governing body, so as to repeal the provisions pertaining to the county administrator and the county engineer.

was read a third time at length and passed.

REGULAR SESSION
29th Day

2329

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Parsons
Barron	Corbett	Goodwin	Preuitt
Bedford	Dial	Hale	Sanders
Bedsole	Dixon	Hand	Smith (B)
Bennett	Drinkard	Hilliard	Smith (J)
Bishop	Ellis	Manley	Windom
Cabaniss	Figures		

—25

Nays: —0

THE BILL:

H. 1081. Relating to St. Clair County; amending Section 16 of Act No. 1728, H. 2522, 1971 Regular Session, which provides for travel expenses incurred by the members of the county commission in road inspections, so as to provide further for such expenses.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Holmes
Barron	Corbett	Foshee	Horn
Bedford	Covington	Goodwin	Langford
Bedsole	deGraffenried	Hale	Manley
Bennett	Denton	Hand	Sanders
Bishop	Dial	Hilliard	Smith (B)
Cabaniss	Drinkard		

—25

Nays: —0

THE BILL:

H. 1087. Relating to Cleburne County; fixing the fee for the issuance of pistol permits in the county and providing for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hale	Manley
Barron	Corbett	Hand	Mitchem
Bedford	Covington	Hilliard	Parsons
Bedsole	deGraffenried	Holmes	Preuitt
Bennett	Dial	Horn	Smith (B)
Bishop	Drinkard	Langford	Smith (J)
Cabaniss	Ellis		

—25

Nays: —0

THE BILL:

H. 1079. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Geneva in Geneva County; and to repeal

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sections 2 and 3 of Act No. 499, H. 566, 1961 Regular Session (Acts 1961, p. 597), relating to ad valorem taxation exemptions for certain territory within the corporate limits of the municipality of Geneva.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Parsons	
Bailey	Covington	Hale	Preuitt	
Bedford	deGraffenried	Hand	Rice	
Bennett	Denton	Langford	Sanders	
Bishop	Dial	Manley	Smith (B)	
Cabaniss	Dixon	Mitchem	Smith (J)	
Campbell	Drinkard			—25

Nays: —0

THE BILL:

H. 1078. Relating to Lamar County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Lamar County; and providing for a referendum election.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Parsons	
Bailey	Covington	Hale	Preuitt	
Bedford	deGraffenried	Hand	Rice	
Bennett	Denton	Langford	Sanders	
Bishop	Dial	Manley	Smith (B)	
Cabaniss	Dixon	Mitchem	Smith (J)	
Campbell	Drinkard			—25

Nays: —0

THE BILL:

H. 1039. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County, annexing certain territory to the city.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Langford	
Amari	deGraffenried	Foshee	Manley	
Barron	Denton	Hale	Mitchem	
Bishop	Dial	Hilliard	Parsons	
Cabaniss	Dixon	Holmes	Smith (B)	
Campbell	Drinkard	Horn	Smith (J)	
Corbett	Ellis			—25

Nays: —0

REGULAR SESSION
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2331

THE BILL:

H. 1028. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Madison County Commission to excavate human graves.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Langford
Amari	deGraffenried	Foshee	Manley
Barron	Denton	Hale	Mitchem
Bishop	Dial	Hilliard	Parsons
Cabaniss	Dixon	Holmes	Smith (B)
Campbell	Drinkard	Horn	Smith (J)
Corbett	Ellis		

—25

Nays:

—0

THE BILL:

H. 921. Relating to Madison County; granting to the Madison County Commission the power by ordinance to regulate and prevent the running at large of dogs and to pass all ordinances necessary for the impounding and sale of such dogs and the destruction of such dogs.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Langford
Amari	deGraffenried	Foshee	Manley
Barron	Denton	Hale	Mitchem
Bishop	Dial	Hilliard	Parsons
Cabaniss	Dixon	Holmes	Smith (B)
Campbell	Drinkard	Horn	Smith (J)
Corbett	Ellis		

—25

Nays:

—0

THE BILL:

H. 993. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Valley Head in DeKalb County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Langford
Barron	deGraffenried	Hale	Mitchem
Bennett	Dial	Hand	Preuitt
Bishop	Drinkard	Hilliard	Rice
Cabaniss	Ellis	Holmes	Sanders
Campbell	Figures	Horn	Smith (B)
Corbett	Foshee		

—25

Nays:

—0

THE BILL:

H. 994. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Hammondville in DeKalb County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Langford	
Barron	deGraffenried	Hale	Mitchem	
Bennett	Dial	Hand	Preuitt	
Bishop	Drinkard	Hilliard	Rice	
Cabaniss	Ellis	Holmes	Sanders	
Campbell	Figures	Horn	Smith (B)	
Corbett	Foshee			—25

Nays: —0

THE BILL:

H. 911. Relating to the City of Madison in Madison County, Alabama; to authorize the City Council, by ordinance, to regulate blasting and the storage, keeping, hauling and use of explosives.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Langford	
Amari	deGraffenried	Foshee	Manley	
Barron	Denton	Hale	Mitchem	
Bishop	Dial	Hilliard	Parsons	
Cabaniss	Dixon	Holmes	Smith (B)	
Campbell	Drinkard	Horn	Smith (J)	
Corbett	Ellis			—25

Nays: —0

THE BILL:

H. 772. Relating to Phenix City; to amend section 3.01 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78), as amended, which provides for a council manager form of government in certain municipalities based on a population classification, so as to provide further for the holding of municipal elections.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Hand	Mitchem	
Barron	deGraffenried	Hilliard	Parsons	
Bedford	Denton	Holmes	Preuitt	
Bedsole	Dial	Horn	Rice	
Bennett	Dixon	Langford	Sanders	
Bishop	Drinkard	Manley	Smith (B)	
Cabaniss	Ellis			—25

Nays: —0

REGULAR SESSION
29th Day

2333

THE BILL:

H. 763. Relating to Tallapoosa County; authorizing the county commission to levy an additional annual license tax and registration fee upon motor vehicles in the county and providing for the disposition of the tax.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Mitchem	
Bennett	Drinkard	Hilliard	Parsons	
Bishop	Ellis	Holmes	Rice	
Cabaniss	Figures			—25

Nays: —0

THE BILL:

H. 112. To authorize nonprofit organizations in Tallapoosa County to hold raffles, cake walks and turkey shoots for fund raising purposes.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Mitchem	
Bennett	Drinkard	Hilliard	Parsons	
Bishop	Ellis	Holmes	Rice	
Cabaniss	Figures			—25

Nays: —0

THE BILL:

H. 1076. To propose an amendment to the Constitution of Alabama of 1901 pertaining only to Madison County so as to establish a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner upon the expiration of the current terms of office of tax assessor and tax collector; to prescribe the powers, duties, compensation and term of office of said county revenue commissioner and provide for his election; and to abolish the county offices of tax assessor and tax collector in Madison County.

was taken up.

On motion of Senator Smith (B), further consideration of the Bill, H. B. 1076, was postponed subject to the call of the Chair.

THE BILL:

H. 1072. Relating to Jefferson County, to limit the amount of occupational license fees which can be levied or collected by the county government.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Horn	
Amari	Covington	Figures	Manley	
Bailey	deGraffenried	Foshee	Parsons	
Barron	Denton	Goodwin	Smith (B)	
Bedford	Dial	Hale	Smith (J)	
Bennett	Dixon	Hilliard	Windom	
Cabaniss	Drinkard			—25

Nays: —0

THE BILL:

H. 1071. To authorize the pension board established by Act Number 393 of the 1975 Regular Session of the Legislature of Alabama for officers and employees of library board in cities having a population of 300,000 or more according to the 1970 or any subsequent census, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other person's dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said pension board shall be authorized to increase such benefits.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Horn	
Amari	Covington	Figures	Manley	
Bailey	deGraffenried	Foshee	Parsons	
Barron	Denton	Goodwin	Smith (B)	
Bedford	Dial	Hale	Smith (J)	
Bennett	Dixon	Hilliard	Windom	
Cabaniss	Drinkard			—25

Nays: —0

THE BILL:

H. 576. Relating to the City of Birmingham in Jefferson County, amending Act No. 215, S. 278, 1947 Regular Session, which established the Alabama State Fair Authority, so as to provide further for the auditing of the authority.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Horn	
Amari	Covington	Figures	Manley	
Bailey	deGraffenried	Foshee	Parsons	
Barron	Denton	Goodwin	Smith (B)	
Bedford	Dial	Hale	Smith (J)	
Bennett	Dixon	Hilliard	Windom	
Cabaniss	Drinkard			—25

Nays: —0

THE BILL:

H. 850. To amend Act No. 87-793, H. 648 of the 1987 Regular Session (Acts of 1987, p. 1553), relating to the Jefferson County Flood Control Authority, so as to further regulate the power of the Authority to issue bonds.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Horn	
Amari	Covington	Figures	Manley	
Bailey	deGraffenried	Foshee	Parsons	
Barron	Denton	Goodwin	Smith (B)	
Bedford	Dial	Hale	Smith (J)	
Bennett	Dixon	Hilliard	Windom	
Cabaniss	Drinkard			—25

Nays: —0

THE BILL:

H. 1002. Relating to Jefferson County; establishing a residency requirement for Jefferson County Commissioners.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Horn	
Amari	Covington	Figures	Manley	
Bailey	deGraffenried	Foshee	Parsons	
Barron	Denton	Goodwin	Smith (B)	
Bedford	Dial	Hale	Smith (J)	
Bennett	Dixon	Hilliard	Windom	
Cabaniss	Drinkard			—25

Nays: —0

THE BILL:

H. 987. To grant the City of Homewood the right to demolish unsafe buildings; and to provide further for the following: The procedure for a

determination of the ownership of the real property or building and notice of a hearing; the procedure for holding the hearing before the city governing body; the procedure for appeal to the circuit court; the right of the city to obtain a lien for the cost of demolition; the authority to assess against property sold to the State of Alabama for taxes; the method of collection of assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Horn	
Amari	Covington	Figures	Manley	
Bailey	deGraffenried	Foshee	Parsons	
Barron	Denton	Goodwin	Smith (B)	
Bedford	Dial	Hale	Smith (J)	
Bennett	Dixon	Hilliard	Windom	
Cabaniss	Drinkard			—25

Nays:

—0

THE BILL:

H. 1030. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Brighton in Jefferson County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Horn	
Amari	Covington	Figures	Manley	
Bailey	deGraffenried	Foshee	Parsons	
Barron	Denton	Goodwin	Smith (B)	
Bedford	Dial	Hale	Smith (J)	
Bennett	Dixon	Hilliard	Windom	
Cabaniss	Drinkard			—25

Nays:

—0

THE BILL:

H. 872. Relating to Jefferson County; to provide for the compensation and other benefits for the Tax Assessor and the Tax Collector and for method of payment and funding.

was read a third time at length and passed.

Yeas 25; Nays 1.

Yeas:

Senators:	Corbett	Ellis	Horn	
Amari	Covington	Figures	Manley	
Bailey	deGraffenried	Foshee	Mitchem	
Barron	Denton	Goodwin	Smith (B)	
Bedford	Dial	Hale	Smith (J)	
Bennett	Dixon	Hilliard	Windom	
Cabaniss	Drinkard			—25

Nay: Senator Parsons

—1

REGULAR SESSION
29th Day

2337

THE BILL:

H. 957. To amend Section 17-4-156 of the Code of Alabama 1975, as last amended, relating to the session days for certain boards of registrars, so as to provide further for the session days for the board of registrars for Autauga County, Walker County and Chilton County.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Bedford	Cobbett	Goodwin	Sanders	
Bedsole	deGraffenried	Hale	Smith (B)	
Bennett	Dixon	Hilliard	Smith (J)	
Cabaniss	Dunkard	Langford	Windom	—19

Nays: —0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 261. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-ninth legislative day of the 1989 Regular Session only:

<u>Inst Id</u>	<u>Page</u>
H. 625	30
Disabled American Veterans, ad valorem tax exempt, Sec. 40-9-1 am'd.	
H. 405	9
Exempts certain programs conducted by a charitable or not-for-profit corporation from all state, county and municipal sales tax	
H. 982	63
Corporations, "S Corporations", alt. to conform to fed. law., Secs. 40-18-160, 40-18-161, 40-18-162, 40-18-164, 40-18-165, 40-18-166, 40-18-169, 40-18-170 amd.	
H. 117	32
Speed limits, aerial enforcement of auth., Sec. 32-5A-177 am'd.	
H. 787	40
Grandparents' rights, strengthened, Sec. 30-3-4 am'd.	
H. 354	45
Schools, enrollment date alt., Sec. 16-28-4 am'd.	

H. 57	24
Human Resources Dept., welfare employment program, estab. Secs. 38-11-1 through 38-11-12	
H. 168	17
Swine eradication prog. of agriculture dept., approp.	
H. 569	21
Motor vehicles, rebuilt, salvge certif. req., Sec. 32-8-87 am'd.	
H. 170	3
Child sexual abuse cases, cert. out-of-court statements may be admissible, evidence of	
H. 289	25
Human Resources Bd., cos. membership, adds nepotism clause, Sec 38-2-7, am'd.	
H. 773	27
Retired military personnel, distinctive license plates, design alt., Sec. 32-6-291 am'd.	
H. 752	41
Drivers' license, immediate suspension by Public Safety Dept. for D.U.I. or refusal to take breath test	
H. 521	23
Handicapped license plates, temporarily handicapped provided, Secs. 32-6-230 through 32-6-234, 40-12-300, 40-12-302 am'd.	
H. 793	41
Arrests without a warrant, add'l. instances when authorized, civil community to arresting office, domestic violence reporting requirements, Sec. 15-10-3 am'd.	
H. 90	64
Military retirement benefit, amt. exempted from income tax, Sec. 40-18-20 am'd.	
H. 110	12
Counties, ad valorem taxes collected, investment reg.	
H. 111	22
Tax assessors, auth. to correct mechanical errors made in as- sessments of prop.	
H. 356	47
Abandoned Mine Land Reclamation Trust Fund, estab.	
H. 1011	14
Court costs and charges, legis. auth. to reg. by general or local law, prior laws validated, consti. amend.	

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H. 70	25
Human Resources Dept., child support collections deposit to interest bearing accounts, Sec. 38-10-8 am'd.	
H. 1022	16
Property and Casualty Mutual Insurance Cos., procedure to convert to stock insurance company reg., Sec. 27-27-44 am'd.	
H. 489	59
Employees in regional and local legislative delegation offices, auth. to participate in employees' retirement system	
H. 333	29
Peace officers and firefighters, death benefits incr., Sec. 36-30-2 am'd.	
H. 671	4
Consumer loans, excess finance charges, recovery of alt., Sec. 5-19-19 am'd.	
H. 156	8
Teachers Retirement System, superintendents of education participation upon ratification of const. amendment	
H. 157	7
Superintendent of education, elected, participation in Teachers' retirement system, ca	
H. 446	3
State funds, time deposits, further providing for auction rate for 91-day and 26-wk. maturity and interest calculations, Sec. 41-4-33 am'd.	
H. 37	22
U. S. mail delivery vehicles, lighting equipment, Sec. 32-5-243 am'd.	
H. 297	34
Election contests, candidates involved in certain, permitted to examine ballots	
H. 159	16
Oysters, state Board of Health to inspect waters and close oyster beds where unsafe	
H. 545	42
Alabama School of Math, Science and the Arts estab., definitions, bd. of dirs., powers, appt., duties, comp., terms, eligibility requirements, approp.	
H. 311	38
Commercial Driver License Act estab., standards and testing req., criminal sanctions, enforcement by Dept. of Public Safety, classification of motor vehicles, licensure procedures	

H. 494	8
Boats, registration fees incr., Sec. 33-5-17 am'd.	
H. 365	28
Federal Housing Project, granted cert. tax exemptions	
H. 1007	59
Appropriations, increase annual approp. to bd. of adjustment for claims and death benefits, Sec. 41-9-73 am'd.	
H. 607	31
Retired volunteer firemen, distinctive license plates auth., Sec. 32-6-270 am'd.	
H. 485	15
Consumer loans, refinancing of alt., Secs. 5-19-7, 5-19-18 am'd.	
H. 23	43
Hunter safety course, local school bds. req. to offer as elective for jr. high school students, Education Dept. and Conservation Dept. to admin.	

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 625. To amend Section 40-9-1, Code of Alabama 1975, which provides for exemptions from ad valorem taxes, so as to exempt property owned by the Disabled American Veterans.

And said Bill, H. B. 625, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley
Bedford	deGraffenried	Goodwin	Parsons
Bedsole	Denton	Hale	Rice
Bennett	Dial	Hand	Smith (B)
Cabaniss	Dixon	Hilliard	Smith (J)
Campbell	Drinkard	Horn	Windom
Corbett	Ellis	Langford	

—26

Nays:

—0

FURTHER CONSIDERATION OF H. B. 1076

The Senate proceeded to further consideration of the Bill, H. B. 1076.

Senator Smith (B) offered the following substitute for the Bill, H. B. 1076, to-wit:

SUBSTITUTE FOR H. B. 1076

A BILL TO BE ENTITLED AN ACT

To propose an amendment to the Constitution of Alabama of 1901 pertaining only to Madison County so as to establish a consolidated and

unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner upon the expiration of the current terms of office of tax assessor and tax collector; to prescribe the powers, duties, compensation and term of office of said county revenue commissioner and provide for his election; and to abolish the county offices of tax assessor and tax collector in Madison County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

"Section 1. A Madison County revenue commissioner shall be elected at the general election in 1996 and at the general election every four years thereafter. Upon the election of said revenue commissioner, the offices of the tax assessor and tax collector are abolished.

"Section 2. The county revenue commissioner shall do and perform all acts, duties and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation, the collection of taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

"Section 3. Subject to the approval of the county commission, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

"Section 4. Before entering upon the duties of his office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission, and shall be a preferred claim against the county.

"Section 5. The county shall provide the necessary offices for the county revenue commissioner, and shall provide all stationery, equipment and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

"Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor or the tax collector of the county are now or hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office, the county revenue commissioner shall receive an annual salary of fifty thousand dollars (\$50,000.00) and an annual expense allowance of three

thousand dollars (\$3,000.00). The legislature shall have the power, from time to time by local law, to alter the amount of said salary and expense allowance.

"Section 7. The offices of tax assessor and tax collector of Madison County are hereby abolished effective on the first day that the newly created revenue commissioner takes office.

"Section 8. It is the purpose of this act to promote the public convenience in Madison County by consolidating the offices of tax assessor and tax collector into one office."

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Madison County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Langford	
Amari	deGraffenried	Foshee	Manley	
Barron	Denton	Hale	Mitchem	
Bishop	Dial	Hilliard	Parsons	
Cabaniss	Dixon	Holmes	Smith (B)	
Campbell	Drinkard	Horn	Smith (J)	
Corbett	Ellis			—25

Nays: —0

And said Bill, H. B. 1076, as thus amended by the substitute, was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Langford	
Amari	deGraffenried	Foshee	Manley	
Barron	Denton	Hale	Mitchem	
Bishop	Dial	Hilliard	Parsons	
Cabaniss	Dixon	Holmes	Smith (B)	
Campbell	Drinkard	Horn	Smith (J)	
Corbett	Ellis			—25

Nays: —0

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2343

THE BILL:

H. 405. To exempt from all state, county and municipal sales taxes the sale of food pursuant to the food distribution program conducted by Christian Service Mission, Inc., in cooperation with World Share, Inc.

was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Manley
Amari	Campbell	Foshee	Mitchem
Bailey	Corbett	Goodwin	Parsons
Barron	Covington	Hale	Rice
Bedford	deGraffenried	Hand	Sanders
Bedsole	Denton	Hilliard	Smith (J)
Bennett	Dial	Langford	Windom

—27

Nays: —0

FURTHER CONSIDERATION OF H. B. 855

The Senate proceeded to further consideration of the Bill:

H. 855. Relating to Tallapoosa County, to provide for the filing for record and the preservation of all orders and judgments made and entered by the judge of the circuit court of the county.

having been reconsidered and postponed subject to the call of the Chair on the Twenty-Fourth Legislative Day.

On motion of Senator Rice, the Senate reconsidered the vote by which the Bill, H. B. 855, was ordered to its third reading.

And said Bill, H. B. 855, was again read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn
Barron	Denton	Goodwin	Langford
Bedford	Dial	Hale	Manley
Bedsole	Dixon	Hand	Mitchem
Bennett	Drinkard	Hilliard	Parsons
Bishop	Ellis	Holmes	Rice
Cabaniss	Figures		

—25

Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 18. Relating to municipal courts; to amend Section 12-14-5, Code of Alabama 1975, which section relates to the bail of persons charged with

violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which section relates to appeals to the circuit court from judgments of municipal courts; and to establish an effective date.

Also:

S. 36. To establish, create, and provide for an annual "Free Fishing Day" for calendar year 1989 and each year thereafter; to designate said day for calendar year 1989; to provide for the designation of said day in each future calendar year; to provide for certain exemptions on said day from certain fishing license requirements under Sections 9-11-53, 9-11-54, 9-11-55, and 9-11-56 of the Code of Alabama 1975, as amended from time to time.

Also:

S. 62. To provide that the governing board of any community action agency created or organized pursuant to §§11-80-4.1, 11-96-3 or 11-96-6, Code of Alabama 1975, may elect to cover its employees and its executive officers covered under the Teachers' Retirement System of Alabama upon certain conditions.

Also:

S. 87. To amend and revise the notice of appointment of personal representatives and to amend and clarify the nonclaim statute by amending Ala. Code Sections 43-2-60, 43-2-61 and 43-2-350 (1975).

Also:

S. 148. To amend sections 34-1-4, 34-1-11, and 34-1-12, Code of Alabama 1975, which relate to the granting of certificates to certified public accountants and the renewal, suspension, and revocation of licenses of certified public accountants, so as to provide further for said certificates and licenses.

Also:

S. 189. To amend Section 41-16-21.2, Code of Alabama 1975, which exempts certain state agencies whose principal business is honorariums from the competitive bid law, so as to provide further for such exemption.

Also:

S. 200. To amend Section 40-12-240, Code of Alabama 1975, relating to definitions of motor vehicles, so as to define the portions of the definition of gross vehicle weight which are no longer applicable and to amend Section 40-12-248, Code of Alabama 1975, relating to taxes and fees on trucks and tractors, so as to reduce the annual license taxes and registration fees on certain trucks known as self-propelled campers or house cars.

Also:

S. 215. To amend Section 27-7-5, Code of Alabama 1975, so as to exempt from examination requirements those applicants whose license is limited to personal property insurance sold to borrowers or debtors under a master group policy issued to a creditor.

Also:

S. 271. To amend Section 37-6-21 of the Code of Alabama of 1975 to establish disclosure requirements for offers to purchase or lease a substantial

portion of a cooperative's property, to require transmittal of such offers to other cooperatives, to establish exceptions to the disclosure requirements, prohibit untrue statements in disclosure statements and make offers and purchases in violation of the disclosure requirements void, unenforceable and rescindable.

Also:

S. 284. Relating to the standards for fiduciary investment and management by adding a new Section 19-3-120.2 to Title 19, Chapter 3, Code of Alabama 1975, so as to provide that standards for fiduciary investments and management to be that of a prudent person; that the propriety of an investment decision is to be determined by what a fiduciary knew or should have known at the time of the decision; that a fiduciary is entitled to rely in good faith upon the express provisions of a governing instrument; that a fiduciary may hold property received by it in an account at its inception or subsequently added to it and that such property may include stock in the fiduciary if a corporation and stock in any corporation controlling, controlled by or under common control with the fiduciary; that a court may permit a fiduciary to deviate from the terms of a governing instrument; and that the provisions of this Act apply to all fiduciary relations now existing or hereafter created; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

Also:

S. 469. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

Also:

S. 595. To amend Section 12-17-140 of the Code of Alabama 1975, relating to qualifications for supernumerary status for circuit clerks and registers, so as to provide additional qualifications for supernumerary circuit register status.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 337. To amend the Adult Protective Services Act of 1976, Sections 38-9-2, 38-9-6 and 38-9-7, Code of Alabama, 1975 to provide further protection for adults who, because of the infirmities of age, disabilities or like incapacities, are in need of protection and provides criminal penalties for the abuse, neglect or exploitation of any adult.

Also:

S. 485. To authorize and provide the procedure for employees, officers and retiring employees of certain cities and towns and members of the legislature to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees, officers and retiring employees and their dependents and members of the legislature and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 500. To make a certain appropriation from the state general fund to a special trust account in the state treasury, to initially establish and to recapitalize economic development revolving loan funds that regional planning and development commissions may draw upon for monies to facilitate access to available federal funds or foundation grants that could provide capital for economic development projects; to provide for a permanent regional revolving loan funds legislative oversight committee to make allocations from said trust account to the revolving loan funds of the several regional planning and development commissions throughout the state; to prescribe the compensation of such legislative oversight committee; to authorize said committee along with the executive directors of certain regional planning and development commissions to promulgate and implement administrative rules and procedures for the administration of such revolving loan funds and to provide

that the legislature shall make an appropriation in the general fund budget each fiscal year after 1989-90 to such trust account.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 982. To amend Chapter 18, Title 40, Code of Alabama 1975, to provide conformity with the current federal Internal Revenue Code by amending sections 40-18-160, 40-18-161, 40-18-162, 40-18-164, 40-18-165, 40-18-166, 40-18-169, 40-18-170, by adding new sections 40-18-174 and 40-18-175, altering the income tax treatment of resident Alabama S corporation shareholders to more closely conform to partnership income tax rules, and allowing the filing of composite tax returns on behalf of nonresident shareholders.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Dial	Hilliard
Amari	Campbell	Dixon	Horn
Bailey	Corbett	Ellis	Langford
Barron	Covington	Foshee	Manley
Bedsole	deGraffenried	Goodwin	Mitchem
Bennett	Denton	Hale	Windom

—23

Nays:

—0

RESOLUTION

Senator Manley offered the following Senate Joint Resolution, to-wit:

S. J. R. 262. CREATING A JOINT INTERIM COMMITTEE TO STUDY E911 EMERGENCY TELEPHONE SERVICE.

WHEREAS, Act No. 84-369, H. 332, 1984 Regular Session, authorized the creation of communications districts for the purpose of establishing local emergency telephone service; and

WHEREAS, Act No. 84-369 is ambiguous; the powers and duties of the board of commissioners authorized by such Act are vague; and

WHEREAS, the Attorney General has, from time to time since the enactment of Act No. 84-369, been requested to give his opinion in the construction and interpretation of the Act; and

WHEREAS, emergency telephone service is a critical need in this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Joint Interim Committee to Study E911 Emergency Telephone Service to be composed of six members of the Legislature; three members from the house to be appointed by the Speaker of the House and three members from the Senate to be appointed by the Lieutenant Governor. It shall be the duty and function of the committee to study the E911 emergency telephone service and to make recommendations for legislative revision which it considers necessary to enable the political subdivisions to more adequately furnish emergency telephone service to their citizens.

RESOLVED FURTHER, That the committee shall elect a chairman and vice-chairman from among its members. The committee shall meet at the call of the chair.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends the meeting of the committee, which shall be paid out of the funds appropriated to the use of the Legislature on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. Provided, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The chairman of the committee shall certify the sums due to the clerk or other employees of the committee. The total amount of funds expended by the committee in carrying out the study shall not exceed the sum of \$5,000.00.

BE IT FURTHER RESOLVED, That the committee shall report its findings and recommendations by the fifth legislative day of the 1990 Regular Session at which time the committee shall stand discharged of any further duties and responsibilities and shall be dissolved.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 117. To amend Section 32-5A-177, Code of Alabama 1975, relating to the enforcement of speed limits, to permit aerial enforcement of speed laws.

was read a third time at length and passed.

Yeas 24; Nays 1.

Yeas:

Senators:	Campbell	Foshee	Horn
Amari	Covington	Goodwin	Manley
Bailey	deGraffenried	Hale	Mitchem
Bedford	Denton	Hand	Parsons
Bedsole	Dial	Hilliard	Sanders
Bennett	Ellis	Holmes	Windom
Cabaniss			

—24

Nay: Senator Corbett

—1

RECESS

At 12 o'clock Noon, in accordance with Motion heretofore adopted, the Senate took a recess until 1:30 P.M. this afternoon.

At 1:30 P.M., the recess period having expired, the Senate was called to order by President Pro Tempore deGraffenried. A quorum of the Senate was present.

RESOLUTIONS

Senators Manley, Goodwin, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Hale, Hand, Hilliard, Holmes, Horn, Langford, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), Smith (J), and Windom offered the following Senate Joint Resolution, to-wit:

S. J. R. 263. NAMING HOUSE BILL NO. 17 OF THE 1989 REGULAR SESSION "THE BREEDLOVE ALLIGATOR BILL."

WHEREAS, Representative Michael Breedlove of Jackson and Clarke Counties has diligently pursued legislation to permit breeding of farm-raised alligators in Alabama; and

WHEREAS, Representative Breedlove has introduced legislation of this nature each year that he has served in the Alabama House of Representatives; and

WHEREAS, Representative Breedlove has assured each member of the House and the Senate that upon passage of such legislation, he will provide alligator shoes, an alligator belt and an alligator purse for each of us; and

WHEREAS, Representative Breedlove is known as one of the most knowledgeable men in Alabama on alligator breeding, alligator farming and resulting alligator products; and

WHEREAS, because of Representative Breedlove's leadership in the alligator field and his knowledge regarding alligator programs, he has been and will always be affectionately known by the members of the Alabama Legislature as "Gator Man"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby designate House Bill No. 17 of the 1989 Regular Session as "The Breedlove Alligator Bill," do further bestow upon Representative Breedlove the official title of "Gator Man," and that a copy of this Resolution be presented to Representative Michael Breedlove.

On motion of Senator Manley, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 264. DESIGNATING THE MONARCH BUTTERFLY AS THE OFFICIAL INSECT OF ALABAMA.

WHEREAS, the Monarch Butterfly, *Danaus plexippus*, is a fitting representative of the thousands of native insect species that are a part of the natural heritage of the United States, and is a unique native species well known throughout our state of Alabama; and

WHEREAS, the Monarch Butterfly enhances the beauty of the environment and signals the need for protection and conservation of our natural wonders; and

WHEREAS, the Monarch Butterfly has been recognized for its many benefits to mankind, its unique migration and over wintering habits and its relationship to our wild milkweeds; and

WHEREAS, the Alabama Garden Clubs through their efforts have set aside April 16th as the official "Save the Butterfly Day" for the State of Alabama; and

WHEREAS, the State of Alabama does not have an official State insect as the States of California, Georgia, Illinois, Maryland and Oregon have designated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the Monarch Butterfly as the Official Insect for the State of Alabama.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bailey and Amari offered the following Senate Joint Resolution, to-wit:

S. J. R. 265. REQUESTING THE ALABAMA HISTORICAL COMMISSION TO ATTEMPT TO LOCATE SPACE IN THE STATE CAPITOL FOR PLACEMENT OF A PLAQUE BY THE SENIOR CITIZENS HALL OF FAME COMMISSION AND THAT FUTURE REQUESTS FOR DISPLAY SPACE BE APPROVED BY THE ALABAMA HISTORICAL COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and recognition of the outstanding accomplishments and contributions of Alabama's senior citizens, the Alabama Historical Commission is hereby urged to attempt to locate an appropriate place in the State Capitol for use by the Senior Citizens Hall of Fame Commission to display plaques furnished by the Senior Citizens Hall of Fame Commission.

RESOLVED FURTHER, That any requests for space to display plaques or memorials be submitted to and approved by the Alabama Historical Commission.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Alabama Historical Commission for appropriate action in compliance with this resolution.

On motion of Senator Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Ellis offered the following Senate Resolution, to-wit:

S. R. 266. A RESOLUTION EXTENDING CONGRATULATIONS AND BEST WISHES TO DR. JOHN STEWART, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

Which was filed.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 787. To amend Section 30-3-4, Code of Alabama 1975, which provides for visitation rights of grandparents in domestic relations cases, and in other cases, so as to provide further for such rights.

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was taken up.

On motion of Senator Manley, further consideration of the Bill, H. B. 787, was postponed subject to the call of the Chair.

THE BILL:

H. 354. To amend Section 16-28-4, Code of Alabama, 1975, relating to the cutoff enrollment date of school children entering Grade One or Kindergarten so as to change the cutoff enrollment date from October 1 to September 1 of each year; to ensure that students already enrolled in Kindergarten can proceed to Grade One notwithstanding this Act; and to provide that no board of education shall lose any teacher unit as a result of this Act.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley
Amari	Corbett	Foshee	Mitchem
Bailey	Covington	Goodwin	Rice
Barron	deGraffenried	Hale	Smith (B)
Bedsole	Denton	Horn	Smith (J)
Cabaniss	Dixon	Langford	Windom

—23

Nays: —0

THE BILL:

H. 57. To authorize the Department of Human Resources to establish and administer a welfare employment program; to require certain applicants for and recipients of public assistance to participate in the employment program; and to repeal Sections 38-11-1 through 38-11-12 of the Code of Alabama 1975 relating to an Alabama human resources board and public works program for certain persons on public assistance.

was read a third time at length and passed.

Yeas 22; Nays 1.

Yeas:

Senators:	Campbell	Ellis	Mitchem
Amari	Covington	Goodwin	Rice
Bedsole	deGraffenried	Hale	Smith (B)
Bennett	Denton	Hand	Smith (J)
Bishop	Dial	Horn	Windom
Cabaniss	Dixon	Manley	

—22

Nay: Senator Corbett —1

THE BILL:

H. 168. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1990, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for

the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

was read a third time at length and passed.

Yeas 27; Nays 1.

Yeas:

Senators:	Campbell	Ellis	Manley	
Amari	Corbett	Figures	Mitchem	
Bailey	Covington	Goodwin	Parsons	
Bedford	deGraffenried	Hale	Rice	
Bedsole	Denton	Hand	Smith (B)	
Bishop	Dial	Horn	Smith (J)	
Cabaniss	Dixon	Langford	Windom	—27

Nay: Senator Sanders —1

THE BILL:

H. 356. To create and establish a special abandoned mine land reclamation trust fund to receive and retain up to 10 per centum of the appropriated funds granted annually by the Secretary of the U.S. Department of Interior for the reclamation of abandoned mine lands in Alabama.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Mitchem	
Amari	Covington	Goodwin	Sanders	
Bailey	deGraffenried	Hand	Smith (B)	
Bedsole	Denton	Langford	Smith (J)	
Cabaniss	Dial	Manley	Windom	
Campbell	Dixon			—21

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1005. To amend Sections 40-23-2 and 40-23-61 of the Code of Alabama 1975 so as to provide for the taxation of materials and supplies used for mobile home set-up at the rate of 2%.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the

foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1028. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Madison County Commission to excavate human graves.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 994. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Hammondville in DeKalb County.

Also:

H. 1039. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County, annexing certain territory to the city.

Also:

H. 993. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Valley Head in DeKalb County.

Also:

H. 921. Relating to Madison County; granting to the Madison County Commission the power by ordinance to regulate and prevent the running at large of dogs and to pass all ordinances necessary for the impounding and sale of such dogs and the destruction of such dogs.

Also:

H. 1079. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Geneva in Geneva County; and to repeal sections 2 and 3 of Act No. 499, H. 566, 1961 Regular Session (Acts 1961, p. 597), relating to ad valorem taxation exemptions for certain territory within the corporate limits of the municipality of Geneva.

Also:

H. 1087. Relating to Cleburne County; fixing the fee for the issuance of pistol permits in the county and providing for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund.

Also:

H. 1086. Relating to Conecuh County; to repeal Sections 8 and 9 of Act No. 86-322 of the 1986 Regular Session which relates to the composition, power and duties of the county governing body, so as to repeal the provisions pertaining to the county administrator and the county engineer.

Also:

H. 1081. Relating to St. Clair County; amending Section 16 of Act No. 1728, H. 2522, 1971 Regular Session, which provides for travel expenses incurred by the members of the county commission in road inspections, so as to provide further for such expenses.

Also:

H. 1078. Relating to Lamar County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Lamar County; and providing for a referendum election.

Also:

H. 112. To authorize nonprofit organizations in Tallapoosa County to hold raffles, cake walks and turkey shoots for fund raising purposes.

Also:

H. 763. Relating to Tallapoosa County; authorizing the county commission to levy an additional annual license tax and registration fee upon motor vehicles in the county and providing for the disposition of the tax.

Also:

H. 772. Relating to Phenix City; to amend section 3.01 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78), as amended, which provides for a council manager form of government in certain municipalities based on a population classification, so as to provide further for the holding of municipal elections.

Also:

H. 911. Relating to the City of Madison in Madison County, Alabama; to authorize the City Council, by ordinance, to regulate blasting and the storage, keeping, hauling and use of explosives.

Also:

H. 1072. Relating to Jefferson County, to limit the amount of occupational license fees which can be levied or collected by the county government.

Also:

H. 576. Relating to the City of Birmingham in Jefferson County, amending Act No. 215, S. 278, 1947 Regular Session, which established the Alabama State Fair Authority, so as to provide further for the auditing of the authority.

Also:

H. 850. To amend Act No. 87-793, H. 648 of the 1987 Regular Session (Acts of 1987, p. 1553), relating to the Jefferson County Flood Control Authority, so as to further regulate the power of the Authority to issue bonds.

Also:

H. 872. Relating to Jefferson County; to provide for the compensation and other benefits for the Tax Assessor and the Tax Collector and for method of payment and funding.

Also:

H. 987. To grant the City of Homewood the right to demolish unsafe buildings; and to provide further for the following: The procedure for a determination of the ownership of the real property or building and notice of a hearing; the procedure for holding the hearing before the city governing body; the procedure for appeal to the circuit court; the right of the city to obtain a lien for the cost of demolition; the authority to assess against property sold to the State of Alabama for taxes; the method of collection of assessments.

Also:

H. 1002. Relating to Jefferson County; establishing a residency requirement for Jefferson County Commissioners.

Also:

H. 1030. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Brighton in Jefferson County.

Also:

H. 1071. To authorize the pension board established by Act Number 393 of the 1975 Regular Session of the Legislature of Alabama for officers and employees of library board in cities having a population of 300,000 or more according to the 1970 or any subsequent census, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other person's dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said pension board shall be authorized to increase such benefits.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles

had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 881. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on out-of-state solid waste disposed of in St. Clair County.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Holmes	
Barron	Corbett	Foshee	Horn	
Bedford	Covington	Goodwin	Langford	
Bedsole	deGraffenried	Hale	Manley	
Bennett	Denton	Hand	Sanders	
Bishop	Dial	Hilliard	Smith (B)	
Cabaniss	Drinkard			—25

Nays:

—0

THE BILL:

H. 569. To amend Section 32-8-87 of the Uniform Certificate of Title and Antitheft Act so as to change the standard for total loss of a motor vehicle to seventy-five percent or more of the cost of the vehicle; to clarify the status of vehicles which have received minor damage as a result of theft or vandalism; to require bills of sale for minor component parts; to require that an owner of a salvage motor vehicle provide evidence that he is a licensed Motor Vehicle Rebuilder in an application for inspection; to delete transmission or transaxle as a major component part; to add transmission or transaxle as a minor component part; to require that a salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall be issued a certificate of title without 'rebuilt' appearing thereon if no more than one major component part and five minor component parts were used to restore the vehicle.

was taken up.

Senator Dial offered the following amendment to the Bill, H. B. 569, to-wit:

AMENDMENT TO H. B. 569

Amend H. B. 569, Section 1, of the quoted section 32-8-87, page 7, line 27, between the underlined words "sale" and "shall", add the following additional underlined language:

which lists the manufacturer's vehicle identification number of the vehicle from which the parts were removed, if parts contain or should contain the manufacturer's vehicle identification number

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Also, on page 10, remove all language on lines 13, 14, 15 and 16, and in place thereof, add the following language:

~~6. Pickup box.~~

~~7. Body or bed.~~

8. 6. Roof assembly.

9. 7. Cargo compartment floor panel or passenger

Also, on page 10, after line 25, add the following underlined language:

8. Pickup box.

9. Body or bed.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Pruitt	
Amari	deGraffenried	Hale	Rice	
Bailey	Denton	Hand	Sanders	
Bedford	Dial	Horn	Smith (B)	
Bedsole	Dixon	Langford	Smith (J)	
Bennett	Ellis	Manley	Windom	
Cabaniss	Foshee	Parsons		—26

Nays: —0

And said Bill, H. B. 569, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Pruitt	
Amari	Denton	Horn	Rice	
Bedford	Dixon	Langford	Sanders	
Bedsole	Ellis	Manley	Smith (B)	
Bennett	Foshee	Mitchem	Smith (J)	
Cabaniss	Goodwin	Parsons	Windom	
Campbell	Hale			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 117. To amend Section 32-5A-177, Code of Alabama 1975, relating to the enforcement of speed limits, to permit aerial enforcement of speed laws.

Also:

H. 405. To exempt from all state, county and municipal sales taxes the sale of food pursuant to the food distribution program conducted by Christian Service Mission, Inc., in cooperation with World Share, Inc.

Also:

H. 625. To amend Section 40-9-1, Code of Alabama 1975, which provides for exemptions from ad valorem taxes, so as to exempt property owned by the Disabled American Veterans.

Also:

H. 855. Relating to Tallapoosa County, to provide for the filing for record and the preservation of all orders and judgments made and entered by the judge of the circuit court of the county.

Also:

H. 957. To amend Section 17-4-156 of the Code of Alabama 1975, as last amended, relating to the session days for certain boards of registrars, so as to provide further for the session days for the board of registrars for Autauga County, Walker County and Chilton County.

Also:

H. 982. To amend Chapter 18, Title 40, Code of Alabama 1975, to provide conformity with the current federal Internal Revenue Code by amending sections 40-18-160, 40-18-161, 40-18-162, 40-18-164, 40-18-165, 40-18-166, 40-18-169, 40-18-170, by adding new sections 40-18-174 and 40-18-175, altering the income tax treatment of resident Alabama S corporation shareholders to more closely conform to partnership income tax rules, and allowing the filing of composite tax returns on behalf of nonresident shareholders.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 856. Relating to the City of Gadsden in Etowah County; authorizing the governing body to levy an additional ad valorem tax to be used for capital outlay purposes for the school system; and providing for a referendum for approval of the tax by the qualified electors of the city.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 491. Relating to gas and oil; amending Section 9-17-13 of the Code of Alabama 1975, so as to provide further for the integration, pooling, cycling, repressuring, pressure maintenance or secondary recovery on gas and oil wells.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 787

The Senate proceeded to further consideration of the Bill, H. B. 787.

On motion of Senator Parsons, further consideration of the Bill, H. B. 787, was postponed subject to the call of the Chair.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 170. To provide that out-of-court statements made by children under twelve years of age at the time of the proceeding concerning an act that is a material element of any crime involving sexual abuse, as defined, not otherwise admissible are admissible in a criminal proceeding in certain circumstances; to specify those circumstances; and to define crimes involving child sexual abuse for purposes of this act.

was taken up.

On motion of Senator Smith (J), further consideration of the Bill, H. B. 170, was postponed subject to the call of the Chair.

FURTHER CONSIDERATION OF H. B. 787

The Senate proceeded to further consideration of the Bill, H. B. 787.

Senator Parsons offered the following amendment to the Bill, H. B. 787, to-wit:

AMENDMENT TO H. B. 787

Amend House Bill No. 787, Page 1 Line 41, as follows: remove the period mark on line 41 and add the following additional underlined language:

when one of the following situations occur:

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Manley
Barron	Dial	Hand	Mitchem
Bedford	Ellis	Hilliard	Sanders
Bedsole	Figures	Holmes	Smith (B)
Bennett	Foshee	Horn	Smith (J)
Cabaniss	Goodwin	Langford	Windom
Campbell			

Nays:

—24

—0

And said Bill, H. B. 787, as thus amended, was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Langford
Bailey	Denton	Hale	Manley
Barron	Dial	Hand	Parsons
Bedsole	Ellis	Hilliard	Sanders
Bennett	Figures	Holmes	Smith (B)
Cabaniss	Foshee	Horn	Windom
Campbell			

—24

Nays:

—0

RESOLUTION

Senators Goodwin and Ellis offered the following Senate Resolution, to-wit:

S. R. 267. COMMENDING COACH BOB RIESENER OF THE UNIVERSITY OF MONTEVALLO.

Which was filed.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 289. To amend Section 38-2-7, Code of Alabama 1975, which creates local county boards of human resources and specifies who may serve as members of such local boards, so as to state that no person who is related by consanguinity or affinity within the fourth degree or nearer under the civil law to any person who is elected to public office, who is a candidate for public office, or who is an employee of the local Department of Human Resources shall be a member of any such county board of human resources.

was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Horn
Bailey	Covington	Goodwin	Manley
Barron	Denton	Hale	Mitchem
Bedsole	Dial	Hand	Sanders
Bennett	Ellis	Hilliard	Smith (B)
Cabaniss	Figures	Holmes	Smith (J)
Campbell			

—24

Nays:

—0

THE BILL:

H. 773. To amend §32-6-291, Code of Alabama 1975, to provide guidance for the design of the distinctive motor vehicle license plate or tag authorized to nondisability retirees of the United States Armed Forces as provided for in §32-6-290, National Guard retirees and military reservists

with a minimum of 20 years; and to establish an effective date of issuance for such license plates or tags.

was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Senators:	Corbett	Figures	Manley	
Bailey	Covington	Goodwin	Mitchem	
Barron	deGraffenried	Hale	Sanders	
Bedsole	Denton	Hilliard	Smith (B)	
Bennett	Dial	Horn	Smith (J)	
Cabaniss	Ellis	Langford	Windom	
Campbell				—24

Nays: —0

THE BILL:

H. 752. To provide for suspending the driving privilege of those persons driving with an excessive concentration of alcohol in their bodies; to provide an opportunity for administrative review prior to the effective date of the suspension, and for an opportunity for a full hearing after the suspension becomes effective; and to provide for administrative and judicial review.

was taken up.

On motion of Senator Cabaniss, further consideration of the Bill, H. B. 752, was postponed subject to the call of the Chair.

RESOLUTIONS

Senators Windom and Bedsole offered the following Senate Resolution, to-wit:

S. R. 268. COMMENDING RUSSELL STEINER AND STEINER SHIPYARD, INC. AND EMPLOYEES.

Which was filed.

Senator Windom offered the following Senate Resolution, to-wit:

S. R. 269. COMMENDING EDWARD NORMAN HORTON OF BAYOU LA BATRE, ALABAMA.

Which was filed.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 521. To provide further for the issuance of distinctive license plates for handicapped persons; to amend Sections 40-12-300, 40-12-302, and 32-6-230 through 32-6-234, Code of Alabama 1975, so as to provide further for the design of the plates; to define "temporarily handicapped individuals" and to provide for parking in handicapped zones by such persons; and to provide for retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hale	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bedsole	Dixon	Holmes	Sanders	
Bennett	Ellis	Horn	Smith (B)	
Cabaniss	Figures	Langford	Smith (J)	
Covington	Foshee	Manley	Windom	
deGraffenried	Goodwin			—25

Nays: —0

THE BILL:

H. 793. To amend Code of Alabama 1975, §15-10-3 which provides the circumstances under which a law enforcement officer may arrest without a warrant, so that a law enforcement officer may arrest without a warrant in certain specified cases; and to provide for good faith immunity for arrests, to provide for reports of investigations of family violence, severability, repeal of conflicting laws and the effective date.

was taken up.

Senator Corbett offered the following amendment to the Bill, H. B. 793, to-wit:

AMENDMENT TO H. B. 793

Amend House Bill No. 793 Page 1 on Line 24 after the “;” delete

“and to provide for good faith immunity for arrests,”

on Line 25 before the words “to provide” add the word “and”

Further amend H. B. 793 Page 3 on Line 14

remove the entire subsection “(b)” and renumber subsequent sections.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Denton	Hand	Parsons	
Bedsole	Dixon	Hilliard	Rice	
Bennett	Ellis	Holmes	Sanders	
Cabaniss	Figures	Horn	Smith (B)	
Corbett	Foshee	Langford	Smith (J)	
Covington	Goodwin	Manley	Windom	
deGraffenried	Hale	Mitchem		—26

Nays: —0

Senator deGraffenried offered the following amendment to the Bill, H. B. 793, as amended, to-wit:

AMENDMENT TO H. B. 793, AS AMENDED

Amend House Bill No. 793, as amended, Page 2 Line 17, as follows: by deleting the words "reasonable cause to believe" and inserting in lieu thereof the following:

"actual knowledge"

Which was adopted.

Yeas 31; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Mitchem	
Bedford	Denton	Hale	Parsons	
Bedsale	Dial	Hand	Preuitt	
Bennett	Dixon	Hilliard	Rice	
Cabaniss	Drinkard	Holmes	Sanders	
Campbell	Ellis	Horn	Smith (B)	
Corbett	Figures	Langford	Smith (J)	
Covington	Foshee	Manley	Windom	—31

Nays: —0

And said Bill, H. B. 793, as thus amended, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Denton	Hale	Parsons	
Bedsale	Dial	Hand	Preuitt	
Bennett	Dixon	Holmes	Rice	
Cabaniss	Drinkard	Horn	Sanders	
Campbell	Ellis	Langford	Smith (B)	
Corbett	Figures	Manley	Smith (J)	
Covington	Foshee	Mitchem	Windom	—29
deGraffenried	Goodwin			

Nays: —0

THE BILL:

H. 90. To amend Section 40-18-19 of the Code of Alabama 1975, relating to retirement benefits being exempted from income taxes so as to provide further for the exemption of United States government retirement annuities and to amend Section 40-18-20 relating to military retirement benefits being exempted from income taxes so as to provide further for said exemption.

was taken up.

Senator Mitchem offered the following amendment to the Bill, H. B. 90, to-wit:

AMENDMENT TO H. B. 90

Amend House Bill No. 90 Page 5 Line 4, as follows: delete "1989" and insert in lieu thereof 1990

Which was adopted.

Yeas 24; Nays 1.

Abstaining 1.

Yeas:

Bedsole	Dial	Goodwin	Manley	
Bennett	Dixon	Hale	Mitchem	
Cabaniss	Drinkard	Hand	Preuitt	
Campbell	Ellis	Hilliard	Rice	
Corbett	Figures	Holmes	Smith (B)	
deGraffenried	Foshee	Langford	Windom	—24

Nay: Senator Sanders —1

Abstaining: Senator Smith (J) —1

Senator Manley offered the following substitute for the Bill, H. B. 90, as amended, to-wit:

SUBSTITUTE FOR H. B. 90**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 40-18-19 and 40-18-20, Code of Alabama 1975, so as to exempt from state individual income tax all payments made under any private pension plan and military retirement programs; all contributions made by an employee to any pension plan; and to provide for statutory rulemaking authority for departmental administration of the proposed exemption.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-18-19, Code of Alabama 1975, is hereby amended to read as follows:

“§40-18-19.

“(a) The following exemptions from income taxation shall be allowed to every individual resident taxpayer:

“(1) Retirement allowances, pensions and annuities, or optional allowances, approved by the board of control of the teachers’ retirement system of Alabama, which exempt status is set out in section 16-25-23;

“(2) Retirement allowances, pensions and annuities or optional allowances, approved by the board of control of the employees’ retirement system of Alabama, which exempt status is set out in section 36-27-28;

“(3) The first \$8,000.00 of any retirement compensation, retirement allowances, pensions and annuities, or optional allowances, received by any eligible fire fighter as defined in sections 36-32-1 and 36-32-2, from any firefighting agency established in the state of Alabama, but only if such retirement compensation, retirement allowances, pensions and annuities, or optional allowances as are awarded as a result of fire protection services rendered. This subdivision shall become effective for the taxable years beginning January 1, 1987, and thereafter following its passage and approval by the governor, or upon its otherwise becoming a law; provided, that for

taxable years beginning on or after January 1, 1990, all pension and retirement payments made under this subdivision shall be exempt.

“(4) The first \$8,000.00 of any retirement compensation, retirement allowances, pensions and annuities, or optional allowances, received by any eligible peace officer as defined in section 36-21-60(10), from any police retirement system established in the state of Alabama, but only if such retirement compensation, retirement allowances, pensions and annuities, or optional allowances are awarded as a result of police services rendered. This subdivision shall become effective for taxable years beginning January 1, 1984, and thereafter; provided, that for taxable years beginning on or after January 1, 1990, all pension and retirement payments made under this subdivision shall be exempt.

“(5) Income received as annuities under the United States retirement system from the United States government civil service retirement and disability fund including income received from the Tennessee Valley Authority's pension system, or income received as annuities under the United States foreign service retirement and disability fund;

“(6) All payments made under private pension plans, including Individual Retirement Accounts, KEOGH plans, corporate pension plans, simplified employee pension plans, or like pension plans, to a retiree or his survivor. This subdivision shall become effective for taxable years beginning January 1, 1990, and thereafter;

“(7) All contributions made by an employee to a private, state, federal or any other pension plan, including Individual Retirement Accounts, Keogh plans, Corporate Pension Plans, or like pension plans;

“(6)(8) Net income realized by individuals and partnerships from time to time in the business of conducting a financial business employing moneyed capital coming into competition with the business of national banks, but only if such individuals and partnerships are subject to an excise tax imposed by this state on or with respect to such income;

“(7)(9) In the case of a single person or a married person not living with husband or wife, a personal exemption of \$1,500.00 or, in the case of a head of a family or a married person living with husband or wife, a personal exemption of \$3,000.00, but a husband and wife living together shall receive only one personal exemption of \$3,000.00 against their aggregate income, and in case they make separate returns each must claim a personal exemption of \$1,500.00; and

“(8)(10) Three hundred dollars for each person, other than husband or wife, dependent upon the taxpayer, and over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer. For the purposes of this section, ‘dependent’ shall mean: a son or daughter of the taxpayer or a descendant of either; a stepson or stepdaughter of the taxpayer; a brother, sister, stepbrother or stepsister of the taxpayer; the father or mother of the taxpayer or an ancestor of either; a stepfather or stepmother of the taxpayer; a son or daughter of a brother or sister of the taxpayer; a brother or sister of the father or mother of the taxpayer; a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law of the taxpayer. As used in this paragraph the terms ‘brother’ and ‘sister’ include a brother or sister by the half blood. For the purpose of determining whether any of the foregoing relationships exist, a legally adopted child of a person shall be considered a child of such a person by blood.

“(b) Of the following personal exemptions allowed resident taxpayers, each nonresident individual taxpayer shall be allowed that proportion thereof that the adjusted gross income received by said nonresident individual taxpayer from sources within the state of Alabama bears to his or her adjusted gross income received from sources within and without the state of Alabama: In the case of a single person or a married person not living with husband or wife, a personal exemption of \$1,500.00 or, in the case of a head of a family or a married person living with husband or wife, a personal exemption of \$3,000.00, a husband and wife living together shall receive but one personal exemption of \$3,000.00 against their aggregate income; and, in case they make separate returns, each must claim a personal exemption of \$1,500.00; and \$300.00 for each person, other than husband or wife, dependent upon and receiving his chief support from the taxpayer.”

Section 2. Section 40-18-20, Code of Alabama 1975, is hereby amended to read as follows:

“§40-18-20.

“(a) The first \$4,750.00 retirement or compensation received as retirement benefit from the military services by any person retired from the military services of the United States of America and survivor benefits derived therefrom is hereby exempt from any state, county or municipal income tax or like tax by whatever name called.

“(b) Effective January 1, 1983, the amount of the exemption provided for in subsection (a) of this section shall be increased to \$8,000.00.

“(c) Effective January 1, 1985, the amount of the exemption provided for in subsection (b) of this section shall be increased to \$10,000.00.

“(d) Effective January 1, 1990, and for all successive tax years, all retirement payments or compensation recognized under this section shall be exempt.”

Section 3. The Department of Revenue shall have statutory rulemaking authority to promulgate reasonable rules and regulations with which to administer the provision of this article.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This act shall become effective for tax years beginning on January 1, 1990.

Which was adopted.

Yeas 24; Nays 0.

Abstaining 1.

Yeas:

Senators:	deGraffenried	Goodwin	Manley
Bedsole	Denton	Hale	Mitchem
Bennett	Dial	Hand	Parsons
Cabaniss	Dixon	Hilliard	Preuitt
Campbell	Figures	Holmes	Rice
Corbett	Foshee	Langford	Windom
Covington			

—24

Nays:

—0

Abstaining: Senator Smith (J)

—1

REGULAR SESSION
29th Day

2367

And said Bill, H. B. 90, as thus amended by the substitute, was read a third time at length and passed.

Yeas 26; Nays 0.

Abstaining 1.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Amari	deGraffenried	Hale	Parsons	
Bedsole	Denton	Hand	Preuitt	
Bennett	Dial	Hilliard	Rice	
Cabaniss	Dixon	Holmes	Smith (B)	
Campbell	Figures	Langford	Windom	
Corbett	Foshee	Manley		—26

Nays: —0

Abstaining: Senator Smith (J) —1

MOTION TO RECESS

Senator Manley moved that when the hour of 6 o'clock P.M. is reached, the Senate take a recess until 8 o'clock this evening.

Senator Hand offered a substitute motion that when the Senate takes a recess at 6 o'clock P.M., it take a recess until 7:30 P.M. this evening, which motion was adopted.

Yeas 20; Nays 8.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Amari	Dial	Hale	Preuitt	
Barron	Dixon	Hand	Smith (B)	
Bedsole	Drinkard	Hilliard	Smith (J)	
Bennett	Ellis	Langford	Windom	
Cabaniss				—20

Nays:

Senators:	Denton	Foshee	Parsons	
Corbett	Figures	Horn	Sanders	
Covington				—8

BILLS ON THIRD READING RESUMED

THE BILL:

H. 110. To provide for the investment of the ad valorem taxes collected by the ad valorem tax officials of this State, to provide for the distribution of interest on such investments, to establish a fund out of a portion of the interest on said investments for the use of such officials, and to specify certain uses and restrictions on said fund.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Parsons
Amari	deGraffenried	Hale	Preuitt
Bedsole	Dixon	Hand	Sander
Bennett	Drinkard	Hilliard	Smit (B)
Cabaniss	Ellis	Horn	Smit (J)
Campbell	Figures	Langford	Widom
Corbett	Foshee		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 496. COMMENDING THE CLAY COUNTY EXCHANGE CLUB FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 497. COMMENDING ERIC DANIEL GLIDEWELL OF TRUSSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 498. CONGRATULATING RICHARD P. HODGES, MONTGOMERY, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 499. CONGRATULATING SARAH BAINES ROBERTSON, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 500. COMMENDING LISA MICHELLE SHANNON OF VESTAVIA HILLS, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

H. J. R. 502. COMMENDING THE ALABAMA LEADERSHIP NETWORK AS THE FIRST SUCH ORGANIZATION IN THE SOUTH, AND DESIGNATING OCTOBER 26, 1989, AS "A-TEAM DAY" IN ALABAMA.

Also:

H. J. R. 508. COMMENDING THE PPG INDUSTRIES AND EMPLOYEES ON 20 YEARS OF ALABAMA OPERATIONS.

Also:

H. J. R. 509. CONGRATULATING MARGARET CELESTE LANG BOSCH, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 510. CONGRATULATING THOMAS L. DOYLE, PH.D., MONTGOMERY, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 512. COMMENDING LILLIE G. FLOOD FOR 29 YEARS OF OUTSTANDING SERVICE IN THE FIELD OF PUBLIC EDUCATION.

Also:

H. J. R. 513. CONGRATULATING MR. AND MRS. GEORGE PERDUE, SR., PARENTS OF OUR ESTEEMED COLLEAGUE, REPRESENTATIVE GEORGE PERDUE, JR., ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 516. COMMENDING DR. A. W. WILSON, PASTOR OF HOLT STREET BAPTIST CHURCH, MONTGOMERY, ALABAMA.

Also:

H. J. R. 526. COMMENDING KIRK PARSONS OF MONTGOMERY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 528. MOURNING THE DEATH OF KENNETH EARL LANDERS OF JACKSONVILLE, ALABAMA.

Also:

H. J. R. 531. COMMENDING JASON WATTS OF MARSHALL COUNTY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 532. COMMENDING TRACY LYNN OF MARSHALL COUNTY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 548. URGING THE GRANTING OF CERTAIN RETIREMENT BENEFITS TO HUNTSVILLE UTILITIES EMPLOYEES.

Also:

H. J. R. 549. DESIGNATING MAY 9, 1989, AS NATIONAL TEACHER DAY.

Also:

H. J. R. 550. COMMENDING HOWARD I. HENSON OF ATLANTA, GEORGIA.

Also:

H. J. R. 552. RECOGNIZING WITH COMMENDATION, THE MERKERSON FAMILY REUNION.

Also:

H. J. R. 554. RECOGNIZING WITH COMMENDATION THE NAMING OF THE VINCENT L. ULMER MEMORIAL PARK BY THE BAY MINETTE CITY COUNCIL.

Also:

H. J. R. 558. COMMENDING FATHER DONALD I. MACLEAN, S.J., AS THE NEWLY ELECTED PRESIDENT OF SPRING HILL COLLEGE.

Also:

H. J. R. 559. NAMING THE STUDENT CENTER AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND, THE "JOHN A. TEAGUE STUDENT CENTER."

Also:

H. J. R. 563. HONORING KEN KVALHEIM.

Also:

H. J. R. 564. RECOGNIZING WITH COMMENDATION THE OUTSTANDING ACCOMPLISHMENTS OF MOREHOUSE COLLEGE.

Also:

H. J. R. 565. COMMENDING A CERTAIN COLLEAGUE, IN WHOSE NAME A CERTAIN ACT IS NAMED.

Also:

H. J. R. 568. MOURNING THE DEATH OF JULIUS SETH SWANN.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 491. Relating to gas and oil; amending Section 9-17-13 of the Code of Alabama 1975, so as to provide further for the integration, pooling, cycling, repressuring, pressure maintenance or secondary recovery on gas and oil wells.

Also:

H. 856. Relating to the City of Gadsden in Etowah County; authorizing the governing body to levy an additional ad valorem tax to be used for

capital outlay purposes for the school system; and providing for a referendum for approval of the tax by the qualified electors of the city.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 111. To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties or fees due thereon and any mechanical errors found in the tax return, and to further provide for the refund of overpayments due to such errors.
was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, H. B. 111, to-wit:

AMENDMENT TO H. B. 111

Amend House Bill No. 111 Page 1 Line 22, as follows: after the words "provide for" add the words "the collection of additional sums due or"

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Dixon	Holmes
Amari	Corbett	Figures	Langford
Bailey	Covington	Foshee	Manley
Bedsole	deGraffenried	Goodwin	Sanders
Bennett	Denton	Hale	Smith (J)
Cabaniss	Dial		

—21

Nays: —0

And said Bill, H. B. 111, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Langford
Amari	Covington	Goodwin	Manley
Bailey	deGraffenried	Hale	Mitchem
Bedsole	Denton	Holmes	Sanders
Bennett	Ellis	Horn	Smith (J)
Cabaniss			

—20

Nays: —0

RESOLUTIONS

Senator Amari offered the following Senate Joint Resolution, to-wit:

S. J. R. 270. CREATING THE INTERIM COMMITTEE TO STUDY THE INCORPORATION OF CENTERPOINT, ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby established the Interim Committee to study the incorporation of Centerpoint, Jefferson County, Alabama, pursuant to the act which Senate Bill 557 of the 1989 Regular Session becomes and which was signed by the Speaker of the House and the presiding officer in the Senate on May 11, 1989.

BE IT FURTHER RESOLVED, That we do hereby declare that the legislative intent is to specify that no boundaries shall be drawn nor any election be held, pursuant to said act, before the study committee created by this act has completed its study and investigation into the proposed boundaries, the services to be provided, revenues that would be redirected to the proposed city formed, structure of the city, number of individuals and families, impact on fire districts and all facts, figures and facets pertinent thereto.

RESOLVED FURTHER, That the said study committee, prior to the drawing of the boundaries of any city incorporated pursuant to said act, shall investigate approximate boundaries of the proposed annex area and the voters affected and eligible to participate or not eligible to participate in a proposed election. Such investigation shall be in addition to all other facts, figures and considerations otherwise required by this act or other laws or parts of laws.

BE IT FURTHER RESOLVED, That the Interim Committee to study the incorporation of Centerpoint shall be composed of the following: The fire chief of the Centerpoint fire district or his designate; the member selected by the Chamber of Commerce; four persons appointed by the Senator for State Senate District 15; three members appointed by the State Representative for House District 43; and three members appointed by the State Representative for House District 44. Such persons shall serve without compensation. They shall elect a chairman, co-chairman and secretary from among their members and develop their own rules of procedure; provided, however, the Centerpoint fire chief shall call the initial meeting within 10 days, giving the members 72 hours written notice of the time, date and place of such meeting.

RESOLVED FURTHER, That upon completion of the investigation and study by the Committee, they shall report their findings to the Legislature and at that time stand discharged and dissolved with no further obligations or liabilities.

RESOLVED FURTHER, That copies of this resolution be provided for the appointing authorities herein named.

On motion of Senator Amari, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Amari then offered the following Senate Resolution, to-wit:

S. R. 271. COMMENDING JOHN WALLACE FOR DISTINGUISHED SERVICE TO THE CITIZENS OF CENTER POINT, ALABAMA.

Which was filed.

Senator deGraffenried offered the following Senate Resolutions, to-wit:

S. R. 272. COMMENDING JOHNNY AMARI.

Also:

S. R. 273. COMMENDING JOSEPH AMARI.

Which were filed.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1011. To propose a constitutional amendment to validate certain prior acts and actions taken pursuant to certain laws regulating costs and charges of court; and to prohibit retroactive levy and collection of said costs and charges.

was taken up.

On motion of Senator deGraffenried, further consideration of the Bill, H. B. 1011, was postponed subject to the call of the Chair.

Senator Horn requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 458. Relating to the City of Birmingham, Jefferson County, Alabama; providing for the election of the members of the city board of education from single-member districts.

Senator Horn then offered the following amendment to the Bill, H. B. 458, to-wit:

AMENDMENT TO H. B. 458

Amend House Bill 458 on page 1, line 17 by striking the word "five" and by substituting in lieu thereof the following: "as many" Further amend on page 1, by striking lines 18 and 19 in their entirety and by substituting in lieu thereof the following: "members as shall be elected from each of the council districts from which the members of the Birmingham city council are elected. This act shall apply only to municipal boards of education whose city councils are elected exclusively from single member districts."; Further amend on pages 1 and 2 by striking section 2 in its entirety and by renumbering the remaining sections accordingly.

Also:

Further amend H. B. 458 as follows:

On page 2, line 26, delete "that the initial elections for the city board of education held under the provisions of this act shall be set by the city council of Birmingham on a date not more than 90 days from the date this act receives its final approval from the United States Justice Department." and insert in lieu thereof:

When this act receives its final approval from the United States Justice Department, the initial elections for the city board of education held under the provisions of this act shall be set by the city council of Birmingham on

the date of the next city council elections, provided that they are single member districts."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Horn	
Amari	Covington	Figures	Manley	
Bailey	deGraffenried	Foshee	Parsons	
Barron	Denton	Goodwin	Smith (B)	
Bedford	Dial	Hale	Smith (J)	
Bennett	Dixon	Hilliard	Windom	
Cabaniss	Drinkard			—25

Nays: —0

And said Bill, H. B. 458, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Horn	
Amari	Covington	Figures	Manley	
Bailey	deGraffenried	Foshee	Parsons	
Barron	Denton	Goodwin	Smith (B)	
Bedford	Dial	Hale	Smith (J)	
Bennett	Dixon	Hilliard	Windom	
Cabaniss	Drinkard			—25

Nays: —0

THE BILL:

H. 70. To amend Section 38-10-8, Code of Alabama, 1975, which provides that the Department of Human Resources shall collect and disburse support payments, so as to provide that said support collections shall be deposited by the state treasurer in an interest-bearing account; to require the treasurer to credit all interest to the Public Welfare Trust Fund; and to appropriate said interest for general welfare purposes.

was read a third time at length and passed.

Yeas 17; Nays 2.

Yeas:

Senators:	Dial	Hale	Parsons	
Bailey	Dixon	Hilliard	Sanders	
Bedford	Drinkard	Horn	Smith (B)	
Cabaniss	Ellis	Manley	Smith (J)	
Campbell	Goodwin			—17

Nays:

Senators:	Corbett	Windom	—2
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MOTION TO RECESS LOST

At 4:35 P.M., Senator Covington moved that the Senate take a recess subject to the call of the Chair.

REGULAR SESSION
29th Day

2375

Senator Hilliard offered a substitute motion that the Senate take a recess until 6 o'clock P.M. this evening, which motion was lost.

Yeas 3; Nays 20.

Abstaining 1.

Yeas:

Senators:	Bennett	Corbett	Denton	—3
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Nays:

Senators:	Dixon	Goodwin	Mitchem	
Amari	Drinkard	Hale	Sanders	
Bailey	Ellis	Horn	Smith (B)	
Bedsole	Figures	Langford	Smith (J)	
Cabaniss	Foshee	Manley	Windom	
Campbell				—20

Abstaining: Senator Parsons —1

The question recurred on the motion of Senator Covington that the Senate take a recess subject to the call of the Chair, which motion was lost.

FURTHER CONSIDERATION OF H. B. 752

The Senate proceeded to further consideration of the Bill, H. B. 752.

Senator Cabaniss offered the following amendment to the Bill, H. B. 752, to-wit:

AMENDMENT TO H. B. 752

Amend H. B. 752 as follows:

On page 2, on lines 14 through 19, delete all the language in subsection (d)

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Amari	Covington	Foshee	Mitchem	
Bailey	Denton	Goodwin	Parsons	
Bedford	Dial	Hale	Sanders	
Bedsole	Dixon	Hilliard	Smith (B)	
Bennett	Drinkard	Holmes	Smith (J)	
Cabaniss	Ellis	Langford	Windom	—27

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 83. Relating to the Public Service Commission; to amend Sections 37-2-41, 37-4-23 and 37-4-116 of the Code of Alabama 1975, relating to

imposition and disposition of certain inspection and supervision fees collected by the Alabama Public Service Commission, so as to provide further for the imposition and disposition of such fees.

by a majority of those voting, said vote being: Yeas 71, Nays 0.

And said Bill, S. B. 83, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 574. Relating to Etowah County; levying an additional ad valorem tax in the county, pursuant to Constitutional Amendment No. 373, Constitution of 1901, as amended, for school district capital improvement purposes and providing for an appropriate referendum; and providing for the discontinuance of such tax.

And the Speaker of the House has appointed as Committee on part of the House, Representatives Colvin, Bugg, and Ford.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 569. To amend Section 32-8-87 of the Uniform Certificate of Title and Antitheft Act so as to change the standard for total loss of a motor vehicle to seventy-five percent or more of the cost of the vehicle; to clarify the status of vehicles which have received minor damage as a result of theft or vandalism; to require bills of sale for minor component parts; to require that an owner of a salvage motor vehicle provide evidence that he is a licensed Motor Vehicle Rebuilder in an application for inspection; to delete transmission or transaxle as a major component part; to add transmission or transaxle as a minor component part; to require that a salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall be issued a certificate of title without 'rebuilt' appearing thereon if no more than one major component part and five minor component parts were used to restore the vehicle.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 79. To provide for the regulation of the practice of occupational therapy; to provide for a short title, a declaration of purpose and definitions in regard to regulation; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to provide for an effective date; to provide an appropriation for fiscal years 1988-89 and 1989-90; and to provide for other matters relative to the foregoing.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 445. To create the Wallace-Folsom Prepaid College Tuition Trust Fund (the Fund) and a board of trustees (the board) to administer the fund and implement the provisions of this act; to declare legislative intent; to name this act the "Wallace-Folsom Prepaid College Tuition Act"; to provide definitions; to provide for the membership, terms of office, qualifications, reimbursement, meetings, powers, duties and responsibilities of the board of trustees of the trust fund; to grant broad powers necessary to implement this act; to authorize investments by the board; to provide for the location and administration of the trust fund; to authorize prepaid college tuition contracts between the board and individuals for the benefit of qualified beneficiaries in order to receive college or university education; to provide for the terms of such contracts and the rights of parties to such contracts; to provide for payroll deductions for such contracts; to provide for certain specific requirements of the board; and to make a supplemental appropriation to the state treasurer's office for the purpose of implementing the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1004. To amend Sections 32-8-2, 32-8-30, and 32-8-31, Code of Alabama 1975, relating to the Uniform Certificate of Title and Antitheft

Act to alphabetized terms being defined; to define "mobile homes" and "travel trailers"; to provide for the titling of certain mobile homes and travel trailers; and to provide for the exemption from titling certain mobile homes and travel trailers.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 793. To amend Code of Alabama 1975, §15-10-3 which provides the circumstances under which a law enforcement officer may arrest without a warrant, so that a law enforcement officer may arrest without a warrant in certain specified cases; and to provide for reports of investigations of family violence, severability, repeal of conflicting laws and the effective date.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 275. To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to create a Solid Waste Management Advisory Committee to advise on the development of said plan; to require cities and counties to develop and adopt comprehensive solid waste management plans with the assistance of the Department and the State's Regional Planning and Development Commissions; to require the Regional Planning and Development Commissions to develop a regional solid waste management needs assessment; to require the implementation of such plans; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities for 24 months after the effective date of this act so that such plans can be developed and implemented.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 881. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on out-of-state solid waste disposed of in St. Clair County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 57. To authorize the Department of Human Resources to establish and administer a welfare employment program; to require certain applicants for and recipients of public assistance to participate in the employment program; and to repeal Sections 38-11-1 through 38-11-12 of the Code of Alabama 1975 relating to an Alabama human resources board and public works program for certain persons on public assistance.

Also:

H. 168. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1990, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Also:

H. 354. To amend Section 16-28-4, Code of Alabama, 1975, relating to the cutoff enrollment date of school children entering Grade One or Kindergarten so as to change the cutoff enrollment date from October 1 to September 1 of each year; to ensure that students already enrolled in Kindergarten can proceed to Grade One notwithstanding this Act; and to provide that no board of education shall lose any teacher unit as a result of this Act.

Also:

H. 356. To create and establish a special abandoned mine land reclamation trust fund to receive and retain up to 10 per centum of the appropriated funds granted annually by the Secretary of the U.S. Department of Interior for the reclamation of abandoned mine lands in Alabama.

Also:

H. 773. To amend §32-6-291, Code of Alabama 1975, to provide guidance for the design of the distinctive motor vehicle license plate or tag authorized to nondisability retirees of the United States Armed Forces as provided for in §32-6-290, National Guard retirees and military reservists with a minimum of 20 years; and to establish an effective date of issuance for such license plates or tags.

Also:

H. 289. To amend Section 38-2-7, Code of Alabama 1975, which creates local county boards of human resources and specifies who may serve as

members of such local boards, so as to state that no person who is related by consanguinity or affinity within the fourth degree or nearer under the civil law to any person who is elected to public office, who is a candidate for public office, or who is an employee of the local Department of Human Resources shall be a member of any such county board of human resources.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 521. To provide further for the issuance of distinctive license plates for handicapped persons; to amend Sections 40-12-300, 40-12-302, and 32-6-230 through 32-6-234, Code of Alabama 1975, so as to provide further for the design of the plates; to define "temporarily handicapped individuals" and to provide for parking in handicapped zones by such persons; and to provide for retroactive effect.

Also:

H. 275. To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to create a Solid Waste Management Advisory Committee to advise on the development of said plan; to require cities and counties to develop and adopt comprehensive solid waste management plans with the assistance of the Department and the State's Regional Planning and Development Commissions; to require the Regional Planning and Development Commissions to develop a regional solid waste management needs assessment; to require the implementation of such plans; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities for 24 months after the effective date of this act so that such plans can be developed and implemented.

Also:

H. 793. To amend Code of Alabama 1975, §15-10-3 which provides the circumstances under which a law enforcement officer may arrest without a warrant, so that a law enforcement officer may arrest without a warrant in certain specified cases; and to provide for reports of investigations of family violence, severability, repeal of conflicting laws and the effective date.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 752

The Senate proceeded to further consideration of the Bill, H. B. 752, as amended.

Senator Sanders moved that further consideration of the Bill, H. B. 752, as amended, be postponed subject to the call of the Chair.

Senator Cabaniss moved that said motion be laid on the table, which motion was lost.

Yeas 3; Nays 18.

Yeas:

Senators:	Bedsole	Cabaniss	Dixon	—3
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Nays:

Senators:	Corbett	Foshee	Manley	
Bailey	Covington	Goodwin	Mitchem	
Barron	Drinkard	Hale	Sanders	
Bennett	Ellis	Holmes	Windom	
Campbell	Figures	Langford		—18

The question recurred on the motion of Senator Sanders that further consideration of the Bill, H. B. 752, be postponed subject to the call of the Chair, which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate Amendment to the Bill:

H. 800. To require approval by the commissioner of insurance of adjustments in health and disability insurance rates and require that insurance companies file certain information with the insurance department.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Box, Harvey, and Beasley.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Figures, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 800, the title of which is set out in the foregoing Message from the House.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Manley	
Bailey	Dial	Hale	Mitchem	
Bennett	Dixon	Holmes	Sanders	
Campbell	Ellis	Horn	Windom	
Corbett	Foshee	Langford		—18

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Manley, Denton, and Bailey.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 17. To provide for and permit the breeding of farm-raised alligators for certain commercial purposes; to provide for the regulation of, and to regulate, the breeding, exhibiting, selling, purchasing, shipping, or transporting of farm-raised alligators or the skins, carcasses or parts thereof, by the state department of conservation and natural resources; to provide for the licensing of alligator farmers, alligator parts dealers, and certain retailers and restaurants; to provide for the procedure for tagging of certain alligator skins, carcasses, meat or parts; to provide for certain property rights in certain alligators and parts thereof; to provide for the furnishing or retention or inspection of certain records or bills of sale, relating to the sale or purchase or shipment of certain such alligator skins or carcasses or parts; to provide for a severance tax upon the skins of certain alligators taken within this state; to prohibit the taking or possession of alligators or their eggs, skins, or parts except as provided herein; to provide for the voiding of said licenses under certain circumstances; to provide for the forfeiture and disposal of certain alligators, parts, and skins and the cancellation of alligator farmer licenses under certain circumstances; and to provide for penalties.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 17, without the Governor's signature and with a suggested Executive Amendment.

Done this 2nd day of May, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 17, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 17:

Please amend House Bill No. 17 Section 12 on page 6, line 15 by inserting after the word "act" the following language:

"and the provisions of this section shall not apply to legal finished products, alligators or parts thereof legally acquired prior to the effective date of this act, or alligators harvested or collected under a permit from the Commissioner of the Department of Conservation and Natural Resources."

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 2nd day of May, 1989.

Respectfully,
GUY HUNT,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 17, by a vote of a majority of those voting, said vote being: Yeas 57, Nays 0.

And said Bill, H. B. 17, together with the Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Manley, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 17, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 22; Nays 0.

Yeas:

Senators:	Covington	Foshee	Mitchem
Bailey	deGraffenried	Goodwin	Sanders
Barron	Dial	Holmes	Smith (B)
Bedsole	Dixon	Horn	Smith (J)
Campbell	Drinkard	Langford	Windom
Corbett	Ellis	Manley	

—22

Nays:

—0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 108. To amend Section 34-38-1, Code of Alabama, 1975, so as to include the definition of hygienist in Section 34-38-1, and to bring hygienists under the provisions of this chapter. To amend Section 34-38-2, Code of Alabama, 1975, relating to the limitation of expenses of the Alabama impaired professionals' committee, so as to exclude the cost of treatment or rehabilitation programs recommended by the committee to individuals subject to the provisions of Section 34, Chapter 38 of the Code of Alabama 1975, and to preserve the authority of the regulatory board or boards to take disciplinary action against individuals subject to the provisions of this section. To amend Section 34-38-6, Code of Alabama 1975, relating to the confidentiality of information, records and proceedings so as to allow certain access by the regulatory boards. To amend Section 34-38-7, Code of Alabama, 1975, relating to reporting requirements so as to require certain reports to the regulatory boards.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 553. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY HEALTH CARE IN MONTGOMERY COUNTY.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 111. To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties or fees due thereon and any mechanical errors found in the tax return, and to further provide for the collection of additional sums due or the refund of overpayments due to such errors.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 7. To provide that any person who kills a dog used by a peace officer within the line and scope of said officer's duties shall be guilty of a felony offense.

And the Speaker of the House has appointed as Committee on part of the House, Representatives Moon, Newman, and Beasley.

JOHN W. PEMBERTON,
Clerk.

REPORT OF CONFERENCE COMMITTEE

We, the Committee of Conference appointed to reconcile the difference between the two houses concerning the bill, Senate Bill 574, have met and report as follows:

We recommend that the House recede from its amendment and that both houses pass the bill as passed by the Senate. A copy of the original Senate Bill 574 is attached hereto.

BILL DRINKARD,
RICK MANLEY,
B. DON HALE,
(Conferees on the part of the Senate).

JOE FORD,
JOHN W. COLVIN,
(Conferees on the part of the House).

A BILL TO BE ENTITLED AN ACT

Relating to Etowah County; levying an additional ad valorem tax in the county, pursuant to Constitutional Amendment No. 373, Constitution of 1901, as amended, for school district capital improvement purposes and providing for an appropriate referendum; and providing for the discontinuance of such tax.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In Etowah County, in addition to any and all other taxes heretofore or hereafter levied, the Etowah County Commission is hereby authorized to levy an additional ad valorem tax of seven (7) mills, on each dollar of taxable property in the Etowah County school district effective upon ratification by the qualified electors, at a referendum called for the purpose, within ninety (90) days after passage of this act.

Section 2. The said county commission shall collect the said additional ad valorem taxes in the same manner and at the same period as are all other existing ad valorem taxes for the Etowah County school district pursuant to Amendment No. 373 to the Constitution of 1901.

Section 3. The said county commission shall deposit the said net tax revenues in the county general fund earmarked for the Etowah County school district for capital improvements only.

Section 4. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors who reside in the Etowah County school district and who vote thereon at a referendum held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on local constitutional amendments, and shall be held as provided in Section 1. Notice of the election shall be given as in the other county elections under the general applicable laws of this

state and said Amendment No. 373. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law passed at the 1989 Regular Session of the Legislature, which authorizes the Etowah County Commission to impose an ad valorem tax in an amount of seven (7) mills on each dollar of taxable property? Yes () No ()."

If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately, except as otherwise herein provided. If a majority of the votes cast are in the negative, the act shall have no effect. The judge of probate for Etowah County shall certify the results of the election to the Secretary of State and to the state revenue department after the returns have been certified.

Section 5. The provisions of this act are passed pursuant to the provisions of Amendment No. 373 of the Constitution of the State of Alabama 1901, which provides on and after October 1, 1979, any county, municipality or other taxing authority may at any time increase the rate at which any ad valorem tax is levied above the limit otherwise provided in this Constitution; provided, however, that the proposed increase to be made pursuant to this subsection shall have been: (1) proposed by the governing body of the taxing authority after a public hearing on such proposal; (2) thereafter approved by an act of the legislature; and (3) subsequently approved by a majority vote of the qualified electors residing in the taxing authority who vote on the proposal at a special election called and held in accordance with the law governing special elections.

Section 6. The provisions of this act shall become null and void ten years after its effective date.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

CONFERENCE REPORT

On motion of Senator Foshee, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 574. Relating to Etowah County; levying an additional ad valorem tax in the county, pursuant to Constitutional Amendment No. 373, Constitution of 1901, as amended, for school district capital improvement purposes and providing for an appropriate referendum; and providing for the discontinuance of such tax.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Horn
Bedford	Covington	Goodwin	Langford
Bedsole	deGraffenried	Hale	Manley
Bennett	Denton	Hand	Mitchem
Bishop	Dial	Hilliard	Parsons
Cabaniss	Drinkard	Holmes	Preuitt
Campbell	Figures		

Nays:

—25

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 787. To amend Section 30-3-4, Code of Alabama 1975, which provides for visitation rights of grandparents in domestic relations cases, and in other cases, so as to provide further for such rights.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 170

The Senate proceeded to further consideration of the Bill, H. B. 170.

Senator Smith (J) offered the following amendment to the Bill, H. B. 170, to-wit:

AMENDMENT TO H. B. 170

Amend H. B. 170 on page 2, line 4, by deleting the current section (ii) and by substituting in lieu thereof the following:

“(ii) The court finds that there are reasonable grounds to believe that the defendant or someone acting on behalf of the defendant has intentionally removed the child from the jurisdiction of the Court.”

Further amend H. B. 170 on page 2, line 6, by deleting in its entirety section (iv) and by renumbering the subsequent subsections accordingly.

Further amend H. B. 170 on page 2, line 21, by deleting “3(b)(1)” and by substituting in lieu thereof the following:

“3(b)(1)(i), (iii), (iv), (v), and (vi).”

Further amend H. B. 170 on page 3, line 1 by striking the word “may” and substituting in lieu thereof the word “shall”.

Further amend H. B. 170 on page 3, line 1, by striking the words “or more,”.

Senator Corbett offered the following substitute amendment for the Smith (J) amendment to the Bill, H. B. 170, to-wit:

SUBSTITUTE AMENDMENT FOR AMENDMENT TO H. B. 170

Amend H. B. 170 on page 2, line 4, by deleting the current section (ii) and by substituting in lieu thereof the following:

“(ii) The court finds that there are reasonable grounds to believe that the defendant or someone acting on behalf of the defendant has intentionally removed the child from the jurisdiction of the Court.”

Further amend H. B. 170 on page 2, line 6, by deleting in its entirety section (iv) and by renumbering the subsequent subsections accordingly.

Further amend H. B. 170 on page 2, line 21, by deleting “3(b)(1)” and by substituting in lieu thereof the following:

“3(b)(1)(i), (iii), (iv), (v), and (vi).”

Further amend H. B. 170 on page 3, line 1 by striking the word "may" and substituting in lieu thereof the word "shall".

Further amend H. B. 170 on page 3, line 1, by striking the words "or more,".

Further amend H. B. 170 on page 2, line 32, by inserting the following new "Section 6." and by renumbering subsequent sections accordingly:

"Section 6. The court shall inform the jury that the out of court statement was taken without the defendant being afforded cross examination of such out of court statement."

Senator Smith (J) moved that said substitute amendment be laid on the table, which motion was lost.

Yeas 10; Nays 15.

Yeas:

Senators:	Cabaniss	Dixon	Goodwin	
Bedsole	Covington	Drinkard	Smith (J)	
Bennett	Denton	Foshee		—10

Nays:

Senators:	Corbett	Hilliard	Mitchem	
Bailey	Ellis	Horn	Sanders	
Barron	Figures	Langford	Smith (B)	
Campbell	Hale	Manley	Windom	—15

The question recurred on the Corbett substitute amendment for the Smith (J) amendment, which was adopted.

And said Smith (J) amendment, as thus amended by the Corbett amendment, was then adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Manley	
Bailey	Covington	Figures	Mitchem	
Bedford	deGraffenried	Foshee	Sanders	
Bedsole	Denton	Goodwin	Smith (B)	
Bennett	Dial	Hilliard	Smith (J)	
Cabaniss	Dixon	Horn	Windom	
Campbell	Drinkard	Langford		—26

Nays: —0

And said Bill, H. B. 170, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Manley	
Barron	Covington	Figures	Mitchem	
Bedford	deGraffenried	Foshee	Sanders	
Bedsole	Denton	Goodwin	Smith (B)	
Bennett	Dial	Horn	Smith (J)	
Cabaniss	Dixon	Langford	Windom	
Campbell	Drinkard			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1022. Making the following amendments to Section 27-27-44, Code of Alabama, 1975, pertaining to the process by which a mutual insurance company may convert to a stock insurance company: subdivision (b) (4) is amended to allow for greater flexibility in defining the class of policyholders eligible to receive distributions of stock or surplus as a result of the conversion; and, subdivision (b) (5) is amended to allow for the distribution of stock in a proposed parent corporation of the converting insurer.

was taken up.

On motion of Senator Mitchem, further consideration of the Bill, H. B. 1022, was postponed subject to the call of the Chair.

THE BILL:

H. 489. To provide for participation of employees of regional and local legislative delegation offices in the state employees' retirement system.

was read a third time at length and passed.

Yeas 23; Nays 4.

Yeas:

Senators:	Denton	Goodwin	Manley	
Barron	Dial	Hale	Mitchem	
Bedford	Dixon	Hilliard	Sanders	
Bedsole	Drinkard	Holmes	Smith (B)	
Bennett	Figures	Horn	Smith (J)	
Campbell	Foshee	Langford	Windom	—23

Nays:

Senators:	Corbett	Covington	Ellis	
Cabaniss				—4

THE BILL:

H. 771. Relating to Madison County and emergency telephone service charges so as to further provide for the rate process in the county on such service; providing for certain advisory referenda called by the county commission on certain increases; and providing for additional information to be listed on ballot in referendums on question of emergency telephone service charge; and providing for the provisions of this act to be applicable retroactively to any referenda on such charges held within the last eighteen months from the effective date of this act, and thereafter.

was taken up.

Senator Smith (B) offered the following substitute for the Bill, H. B. 771, to-wit:

SUBSTITUTE FOR H. B. 771

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Madison County and emergency telephone service charges so as to further provide for the rate process in the county on such service; providing for additional information on emergency telephone service charges.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Madison County commission shall enforce the provisions of Sections 11-98-1 through 11-98-7, Code of Alabama 1975, as amended, relating to emergency telephone service and the procedures for rate setting or increases.

Section 2. The Madison County commission shall require the board of commissioners of the district to give details of the net dollars and cents increase per month per subscriber and for each service. No increase shall be valid in Madison County or in any municipality without such information. Any expenditure in providing such information made by the board of commissioners in an amount in excess of \$1,000.00, must be approved by the county commission.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Hand	
Barron	Corbett	Ellis	Manley	
Bedford	Covington	Figures	Mitchem	
Bedsole	deGraffenried	Foshee	Parsons	
Bennett	Denton	Goodwin	Smith (B)	
Bishop	Dial	Hale	Smith (J)	
Cabaniss	Dixon			—25

Nays: —0

And said Bill, H. B. 771, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Hand	
Barron	Corbett	Ellis	Manley	
Bedford	Covington	Figures	Mitchem	
Bedsole	deGraffenried	Foshee	Parsons	
Bennett	Denton	Goodwin	Smith (B)	
Bishop	Dial	Hale	Smith (J)	
Cabaniss	Dixon			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 25. Relating to the composition of the board of directors of that certain public corporation, the Alabama State Fair Authority, created by Act No. 215, 1947 General Acts of Alabama; amending Section 4 of Act No. 215, S. 278, Regular Session 1947 (General Acts of Alabama of 1947, p. 81), as amended, which relates to the composition of the board of such authorities in certain cities having a certain population in Jefferson County, so as to increase the number and providing the manner of their selection.

Also:

S. 519. To establish the salaries for the following officers of Jefferson County, Alabama: the president of the county commission and the four associate county commissioners; and to provide that the salaries as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

Also:

S. 544. Relating to Jefferson County; authorizing the Director of Revenue, Commissioner of Licenses or License Inspector to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

Also:

S. 598. Relating to Jefferson County; to provide for the compensation and other benefits for the tax assessor and the tax collector and for the method of payment and funding.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 674. To authorize the governing body of Tuscumbia to establish an Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within Tuscumbia, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedure for operations and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; and to provide for appeals and other judicial processes.

Also:

S. 701. Relating to Baldwin County; amending Act No. 80-497, H. 1059, 1980 Regular Session (Acts 1980, p. 769), authorizing the county commission to establish and designate historic districts in the county so as to provide further for definitions; applications and requirements for historic district and preservation district designations; enlarging designated historic district or preservation district; rescinding historic district or preservation district designation; and applications and requirements for rescission.

Also:

S. 702. Relating to Orange Beach in Baldwin County, so as to alter, rearrange and extend the boundary lines and corporate limits of the Town of Orange Beach.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 484. Relating to Shelby County; to further amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, relating to the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the Judge of Probate and the collection and disposition of a special index fee therefor, so as to further provide for such fees.

Also:

S. 690. Relating to Baldwin County; to establish a "Baldwin County Oil and Gas Severance Tax Trust Fund" on producers of oil and gas and other hydrocarbons, plus certain income or interest; to regulate and provide for the administration of the expenditures of such trust funds by the county commission; to provide for the maximum funding of said trust fund; to specifically repeal, following the full funding of such trust fund established with respect to Baldwin County, Act No. 2120, H. 2450, Regular Session 1971 (Acts 1971, Vol. V, p. 3399), as amended, relating to Baldwin County privilege tax on persons engaged in the business of producing or severing oil or gas or other hydrocarbons from the soil or the waters, to specifically provide that this bill shall not be construed to repeal that part of Title 40, Code of Alabama 1975, as amended, which provides for the levy of certain taxes upon the production or severing oil or gas from the soil or waters of the state; and to provide for non-severability construction and an effective date.

Also:

S. 710. Relating to Lamar County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner,

and providing for his election; abolishing the county offices of tax assessor and tax collector in Lamar County; and providing for a referendum election.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 41. COMMENDING FAYETTE COUNTY DEPUTY SHERIFF HAROLD PENDLEY FOR DISTINGUISHED PERFORMANCE OF DUTY.

Also:

S. J. R. 173. COMMENDING MS. LAVERNE O'REAR OF LOWNDES COUNTY, ALABAMA.

Also:

S. J. R. 222. COMMENDING THE WASHINGTON COUNTY HISTORICAL SOCIETY FOR THEIR LEADERSHIP IN PRESERVING THE HISTORY AND HERITAGE OF WASHINGTON COUNTY.

Also:

S. J. R. 223. EXPRESSING THE SENSE OF THE LEGISLATURE REGARDING THE RESTORATION OF EASTERN AIRLINES TO FULL OPERATIONS.

Also:

S. J. R. 224. RECOGNIZING AND COMMENDING THE WILSON BROTHERS AND FAMILIES OF CHILDERSBURG.

Also:

S. J. R. 225. NAMING THE STUDENT CENTER AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND, THE "JOHN A. TEAGUE STUDENT CENTER."

Also:

S. J. R. 237. CREATING A SENATE INTERIM COMMITTEE ON SENATE RULES.

Also:

S. J. R. 240. RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

Also:

S. J. R. 244. RECOGNIZING WITH COMMENDATION THE OUTSTANDING ACCOMPLISHMENTS OF MOREHOUSE COLLEGE.

Also:

S. J. R. 245. COMMENDING EDNA BLUE JOHNSON OF BIRMINGHAM, ALABAMA, AS "ZETA OF THE YEAR."

Also:

S. J. R. 248. COMMENDING THE CLEBURNE COUNTY HIGH SCHOOL INTERMEDIATE FUTURE PROBLEM SOLVING TEAM.

Also:

S. J. R. 252. REQUESTING A JOINT STUDY ON DEER HUNTING IN THE CONECUH NATIONAL FOREST.

Also:

S. J. R. 257. COMMENDING THE BALDWIN COUNTY HIGH SCHOOL JUNIORETTES, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 259. RECOGNIZING WITH COMMENDATION THE 5TH ANNIVERSARY OF THE INCORPORATION OF ORANGE BEACH, ALABAMA.

Also:

S. J. R. 263. NAMING HOUSE BILL NO. 17 OF THE 1989 REGULAR SESSION "THE BREEDLOVE ALLIGATOR BILL."

Also:

S. J. R. 264. DESIGNATING THE MONARCH BUTTERFLY AS THE OFFICIAL INSECT OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 83. Relating to the Public Service Commission; to amend Sections 37-2-41, 37-4-23 and 37-4-116 of the Code of Alabama 1975, relating to imposition and disposition of certain inspection and supervision fees collected by the Alabama Public Service Commission, so as to provide further for the imposition and disposition of such fees.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

RECESS

At 6 o'clock P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted, the Senate took a recess until 7:30 P.M. this evening.

At 7:30 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

At 7:31 P.M., on motion of Senator deGraffenried, the Senate took a recess until 8 o'clock P.M. this evening.

At 8 o'clock P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 321. To require county governing bodies to establish precincts based on clearly visible, definable and observable physical boundaries based on U. S. Census Bureau criteria not later than June 1, 1989; to provide for participation by Alabama in programs of the Census Bureau for census data for purposes of reapportionment; to define terms; to require the counties to provide and maintain maps of said precincts to the probate judge, board of registrars and the Joint Legislative Task Force on Reapportionment; to provide for the designation of places of voting; to require the certification of lists of eligible voters by the probate judge; to provide for boxes and machines for elections as may be supplemented by the provisions of any local election laws or by the electronic vote counting statutes; to provide for the posting of boundaries of precincts and voting places and for the changing of precinct boundaries and changes in places of voting; to provide that the Reapportionment Task Force shall be the official state liaison between the state, the counties and the U. S. Census Bureau for purposes of implementing the provisions of this act; to require cooperation by all county and state agencies and officials with the Reapportionment Task Force; to prescribe penalty for failure to comply with this act; to specifically supersede and repeal Sections 17-5-1 through 17-5-13, Code of Alabama 1975, effective June 1, 1989; and to state specifically that the provisions of this act shall have no effect on the conduct of municipal elections or on the general or local municipal election statutes in this state.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 142. To create the Dietetics/Nutrition Practice Act and to provide for a board of examiners, and to prescribe the method of appointment; its

duties and authorities; and to provide for licensing qualifications, renewals and revocation, exemptions, reciprocity, and penalties.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 142, without the Governor's signature and with a suggested Executive Amendment.

Done this 11th day of May, 1989.

Respectfully submitted,
HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 142, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 142:

Please amend House Bill No. 142 in the title on page 1, line 4, by inserting after the word "authorities;" the following phrase "to provide an appropriation for fiscal years 1988-89 and 1989-90; and further amend this bill on page 4, lines 21-22 by deleting the language "from a list submitted by the Alabama Dietetic Association, Inc." and inserting a period as punctuation following the word "members" on line 21.

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 11th day of May, 1989.

Respectfully,
GUY HUNT,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 142, by a vote of a majority of those voting, said vote being: Yeas 65, Nays 0.

And said Bill, H. B. 142, together with the Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Bennett, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 142, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Manley	
Bailey	Corbett	Ellis	Mitchem	
Bedford	Covington	Foshee	Rice	
Bedsole	deGraffenried	Goodwin	Sanders	
Bennett	Denton	Hand	Smith (B)	
Cabaniss	Dial	Langford	Windom	—23

Nays: —0

which was a majority of the whole number elected to the Senate.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Leon Crawford to the Alabama
Real Estate Commission

On motion of Senator Smith (B), the appointment of Mr. Crawford was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Bailey	Covington	Goodwin	Mitchem	
Barron	deGraffenried	Hale	Preuitt	
Bedford	Denton	Hand	Rice	
Bennett	Dial	Hilliard	Sanders	
Cabaniss	Ellis	Holmes	Smith (B)	
Campbell	Figures	Langford	Windom	—27

Nays: —0

Senator Smith (B) moved that the Senate reconsider the vote by which the appointment of Mr. Crawford was confirmed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. William Forrest Trick to the
Alabama Real Estate Commission

On motion of Senator deGraffenried, the appointment of Mr. Trick was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Parsons	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Rice	
Bennett	Ellis	Holmes	Sanders	
Campbell	Figures	Langford	Smith (B)	
Corbett	Foshee	Manley	Windom	—27

Nays: —0

RESOLUTION

Senator Dial offered the following Senate Joint Resolution, to-wit:

S. J. R. 274. NAMING THE CLAY COUNTY NURSING HOME IN MEMORY AND HONOR OF DR. C. P. HORN.

WHEREAS, the Legislature of Alabama grievously records the death of Cecil P. Horn of Ashland, Alabama, on March 26, 1989, at the age of 71 years; and

WHEREAS, a native and lifelong resident of Clay County, Cecil P. Horn was a graduate of the University of Alabama and of the University of Tennessee Medical School, and was a veteran of World War II, having served in the United States Army with the rank of Captain; and

WHEREAS, Dr. Horn established his medical practice in Ashland where he served the citizens of Clay County until his death, earning the regard and affection of his many patients unto whom he ministered in genuine care and concern for more than 42 years; and

WHEREAS, Dr. Horn also served his profession through membership and activities of several medical associations; served as Director of the Clay County Nursing Home for 20 years; and had further served as Chief of Staff of the Clay County Hospital; and

WHEREAS, in community and civic leadership, Dr. Horn was a member of the First United Methodist Church of Ashland and was a longtime active member of the Choccolocco Council of the Boy Scouts of America; he additionally was a former trustee in the Ashland schools and was team physician for the Ashland Panthers for many years; and

WHEREAS, in the death of Dr. C. P. Horn, the Ashland and Clay County communities have suffered a deep and grievous loss, and it is therefore desirable that his life and service be commemorated in a lasting and appropriate manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and loving memory of Dr. C. P. Horn, we hereby name and designate the Clay County Nursing Home in Clay County, Alabama, as the "Dr. C. P. Horn-Clay County Nursing Home."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating the "Dr. C. P. Horn-Clay County Nursing Home", and that a copy of this resolution shall be forwarded to Dr. Horn's wife, Mrs. Margaret M. Horn; sons, Cecil P. Horn, Jr., Charles W. Horn, Eric Horn and George Franklin Horn; to his daughters, Miss Elizabeth Anne Horn and Mrs. Ardelia Braden; and to other family members that they may know of our shared sorrow in their deep and grievous loss.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Bill Towns to the Alabama Real Estate Commission

On motion of Senator Hale, the appointment of Mr. Towns was confirmed by the Senate.

Yeas 28; Nays 0.

Yeas:

Senators:	Covington	Figures	Mitchem
Amari	deGraffenried	Foshee	Parsons
Bailey	Denton	Hale	Preuitt
Bedford	Dial	Hand	Rice
Bedsole	Dixon	Hilliard	Sanders
Bennett	Drinkard	Horn	Smith (B)
Cabaniss	Ellis	Manley	Windom
Campbell			

—28

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Jim Bagwell to the Alabama Real Estate Commission

Senator Amari moved that further consideration of the appointment be postponed until 10 o'clock this evening, which motion was adopted.

RESOLUTIONS

Senators Windom, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Resolution, to-wit:

S. R. 275. COMMENDING THE SENATE STAFF.

Which was adopted.

Senator Hilliard offered the following Senate Resolution, to-wit:

S. R. 276. RECOGNIZING WITH COMMENDATION, THE MERKERSON FAMILY REUNION.

Which was filed.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills and House Joint Resolution, your signature thereto is requested.

H. 70. To amend Section 38-10-8, Code of Alabama, 1975, which provides that the Department of Human Resources shall collect and disburse support payments, so as to provide that said support collections shall be deposited by the state treasurer in an interest-bearing account; to require the treasurer to credit all interest to the Public Welfare Trust Fund; and to appropriate said interest for general welfare purposes.

Also:

H. 110. To provide for the investment of the ad valorem taxes collected by the ad valorem tax officials of this State, to provide for the distribution of interest on such investments, to establish a fund out of a portion of the interest on said investments for the use of such officials, and to specify certain uses and restrictions on said fund.

Also:

H. 111. To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties or fees due thereon and any mechanical errors found in the tax return, and to further provide for the collection of additional sums due or the refund of overpayments due to such errors.

Also:

H. 108. To amend Section 34-38-1, Code of Alabama, 1975, so as to include the definition of hygienist in Section 34-38-1, and to bring hygienists under the provisions of this chapter. To amend Section 34-38-2, Code of Alabama, 1975, relating to the limitation of expenses of the Alabama impaired professionals' committee, so as to exclude the cost of treatment or rehabilitation programs recommended by the committee to individuals subject to the provisions of Section 34, Chapter 38 of the Code of Alabama 1975, and to preserve the authority of the regulatory board or boards to take disciplinary action against individuals subject to the provisions of this section. To amend Section 34-38-6, Code of Alabama, 1975, relating to the confidentiality of information, records and proceedings so as to allow certain access by the regulatory boards. To amend Section 34-38-7, Code of Alabama, 1975, relating to reporting requirements so as to require certain reports to the regulatory boards.

Also:

H. 787. To amend Section 30-3-4, Code of Alabama 1975, which provides for visitation rights of grandparents in domestic relations cases, and in other cases, so as to provide further for such rights.

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Also:

H. 569. To amend Section 32-8-87 of the Uniform Certificate of Title and Antitheft Act so as to change the standard for total loss of a motor vehicle to seventy-five percent or more of the cost of the vehicle; to clarify the status of vehicles which have received minor damage as a result of theft or vandalism; to require bills of sale for minor component parts; to require that an owner of a salvage motor vehicle provide evidence that he is a licensed Motor Vehicle Rebuilder in an application for inspection; to delete transmission or transaxle as a major component part; to add transmission or transaxle as a minor component part; to require that a salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall be issued a certificate of title without 'rebuilt' appearing thereon if no more than one major component part and five minor component parts were used to restore the vehicle.

Also:

H. 79. To provide for the regulation of the practice of occupational therapy; to provide for a short title, a declaration of purpose and definitions in regard to regulation; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to provide for an effective date; to provide an appropriation for fiscal years 1988-89 and 1989-90; and to provide for other matters relative to the foregoing.

Also:

H. 445. To create the Wallace-Folsom Prepaid College Tuition Trust Fund (the Fund) and a board of trustees (the board) to administer the fund and implement the provisions of this act; to declare legislative intent; to name this act the "Wallace-Folsom Prepaid College Tuition Act"; to provide definitions; to provide for the membership, terms of office, qualifications, reimbursement, meetings, powers, duties and responsibilities of the board of trustees of the trust fund; to grant broad powers necessary to implement this act; to authorize investments by the board; to provide for the location and administration of the trust fund; to authorize prepaid college tuition contracts between the board and individuals for the benefit of qualified beneficiaries in order to receive college or university education; to provide for the terms of such contracts and the rights of parties to such contracts; to provide for payroll deductions for such contracts; to provide for certain specific requirements of the board; and to make a supplemental appropriation to the state treasurer's office for the purpose of implementing the provisions of this act.

Also:

H. 1004. To amend Sections 32-8-2, 32-8-30, and 32-8-31, Code of Alabama 1975, relating to the Uniform Certificate of Title and Antitheft

Act to alphabetized terms being defined; to define "mobile homes" and "travel trailers"; to provide for the titling of certain mobile homes and travel trailers; and to provide for the exemption from titling certain mobile homes and travel trailers.

Also:

H. J. R. 553. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY HEALTH CARE IN MONTGOMERY COUNTY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 321. To require county governing bodies to establish precincts based on clearly visible, definable and observable physical boundaries based on U. S. Census Bureau criteria not later than June 1, 1989; to provide for participation by Alabama in programs of the Census Bureau for census data for purposes of reapportionment; to define terms; to require the counties to provide and maintain maps of said precincts to the probate judge, board of registrars and the Joint Legislative Task Force on Reapportionment; to provide for the designation of places of voting; to require the certification of lists of eligible voters by the probate judge; to provide for boxes and machines for elections as may be supplemented by the provisions of any local election laws or by the electronic vote counting statutes; to provide for the posting of boundaries of precincts and voting places and for the changing of precinct boundaries and changes in places of voting; to provide that the Reapportionment Task Force shall be the official state liaison between the state, the counties and the U. S. Census Bureau for purposes of implementing the provisions of this act; to require cooperation by all county and state agencies and officials with the Reapportionment Task Force; to prescribe penalty for failure to comply with this act; to specifically supersede and repeal Sections 17-5-1 through 17-5-13, Code of Alabama 1975, effective June 1, 1989; and to state specifically that the provisions of this act shall have no effect on the conduct of municipal elections or on the general or local municipal election statutes in this state.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of

a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 25. Relating to the composition of the board of directors of that certain public corporation, the Alabama State Fair Authority, created by Act No. 215, 1947 General Acts of Alabama; amending Section 4 of Act No. 215, S. 278, Regular Session 1947 (General Acts of Alabama of 1947, p. 81), as amended, which relates to the composition of the board of such authorities in certain cities having a certain population in Jefferson County, so as to increase the number and providing the manner of their selection.

Also:

S. 484. Relating to Shelby County; to further amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, relating to the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the Judge of Probate and the collection and disposition of a special index fee therefor, so as to further provide for such fees.

Also:

S. 519. To establish the salaries for the following officers of Jefferson County, Alabama: the president of the county commission and the four associate county commissioners; and to provide that the salaries as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

Also:

S. 544. Relating to Jefferson County; authorizing the Director of Revenue, Commissioner of Licenses or License Inspector to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

Also:

S. 598. Relating to Jefferson County; to provide for the compensation and other benefits for the tax assessor and the tax collector and for the method of payment and funding.

Also:

S. 674. To authorize the governing body of Tuscumbia to establish an Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within Tuscumbia, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties and appointments to the Commission and Board; to prescribe that

certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedure for operations and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; and to provide for appeals and other judicial processes.

Also:

S. 690. Relating to Baldwin County; to establish a "Baldwin County Oil and Gas Severance Tax Trust Fund" on producers of oil and gas and other hydrocarbons, plus certain income or interest; to regulate and provide for the administration of the expenditures of such trust funds by the county commission; to provide for the maximum funding of said trust fund; to specifically repeal, following the full funding of such trust fund established with respect to Baldwin County, Act No. 2120, H. 2450, Regular Session 1971 (Acts 1971, Vol. V, p. 3399), as amended, relating to Baldwin County privilege tax on persons engaged in the business of producing or severing oil or gas or other hydrocarbons from the soil or the waters, to specifically provide that this bill shall not be construed to repeal that part of Title 40, Code of Alabama 1975, as amended, which provides for the levy of certain taxes upon the production or severing oil or gas from the soil or waters of the state; and to provide for non-severability construction and an effective date.

Also:

S. 701. Relating to Baldwin County; amending Act No. 80-497, H. 1059, 1980 Regular Session (Acts 1980, p. 769), authorizing the county commission to establish and designate historic districts in the county so as to provide further for definitions; applications and requirements for historic district and preservation district designations; enlarging designated historic district or preservation district; rescinding historic district or preservation district designation; and applications and requirements for rescission.

Also:

S. 702. Relating to Orange Beach in Baldwin County, so as to alter, rearrange and extend the boundary lines and corporate limits of the Town of Orange Beach.

Also:

S. 710. Relating to Lamar County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Lamar County; and providing for a referendum election.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 333. To amend Section 36-30-2 of the Code of Alabama 1975, as amended, so as to increase the amount of the death benefit paid to survivors of peace officers and firemen killed on duty.

was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Senators:	Corbett	Figures	Langford	
Amari	Covington	Foshee	Manley	
Bailey	deGraffenried	Goodwin	Mitchem	
Bedford	Denton	Hale	Rice	
Bedsale	Dial	Hand	Sanders	
Bennett	Dixon	Hilliard	Smith (B)	
Cabaniss	Drinkard	Holmes	Smith (J)	
Campbell	Ellis	Horn	Windom	—31

Nays:

—0

REPORT OF COMMITTEE OF CONFERENCE ON S. B. 7

We, the committee of conference appointed to reconcile the differences between the two houses concerning the bill, S. B. 7, have met and considered the matter referred and beg leave to report as follows:

We recommend that the House recede from its amendments to the bill.

We recommend that the following substitute for the bill be adopted by both houses and that the bill as amended by the substitute be passed.

HINTON MITCHEM,
RICK MANLEY,
LOWELL BARRON,
(Conferees on part of Senate).

GORDON R. MOON,
MAX NEWMAN,
JOHN P. BEASLEY,
(Conferees on part of House).

**CONFERENCE COMMITTEE
SUBSTITUTE FOR S. B. 7**

**A BILL
TO BE ENTITLED
AN ACT**

To provide that any person who kills a dog used by a peace officer within the line and scope of said officer's duties shall be guilty of a felony offense.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. No person shall intentionally, knowingly, recklessly or with criminal negligence kill a dog used by a peace officer to perform tasks within the line and scope of said officer's duties. For the purposes of this act the term "peace officer" shall have the meaning prescribed in Section 36-30-1, Code of Alabama 1975. Any person who violates the provisions of this act shall, upon conviction, be guilty of a Class C felony as defined by the Code of Alabama 1975. The provisions of this act shall not apply to any person who violates the provisions of this act during the course of an orderly demonstration or activity in pursuit of one's civil rights.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

CONFERENCE REPORT

Senator Mitchem moved that the Senate concur in and adopt the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 7. To provide that any person who kills a dog used by a peace officer within the line and scope of said officer's duties shall be guilty of a felony offense.

Which motion was lost.

Yeas 7; Nays 23.

Yeas:

Senators:	Cabaniss	Figures	Holmes	
Bedsole	Dixon	Hilliard	Mitchem	—7

Nays:

Senators:	Corbett	Ellis	Manley	
Amari	Covington	Foshee	Parsons	
Bailey	deGraffenried	Goodwin	Rice	
Bedford	Denton	Hale	Sanders	
Bennett	Dial	Horn	Smith (B)	
Campbell	Drinkard	Langford	Windom	—23

On motion of Senator Corbett, the Senate reconsidered the vote by which the motion to concur in the Conference report on the Bill, S. B. 7, was lost.

And on motion of Senator Foshee, the Senate concurred in and adopted the Report of the Conference Committee appointed to reconcile the differences between the two Houses on the House amendment to the Bill, S. B. 7.

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Yeas 26; Nays 1.

Yeas:

Senators:	Campbell	Ellis	Manley	
Amari	Corbett	Figures	Mitchem	
Bailey	Covington	Foshee	Sanders	
Bedford	deGraffenried	Goodwin	Smith (B)	
Bedsole	Denton	Hale	Smith (J)	
Bennett	Dial	Hilliard	Windom	
Cabaniss	Drinkard	Holmes		—26

Nay: Senator Horn —1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 671. To amend Section 5-19-19, Code of Alabama 1975, relating to consumer finance, so as to provide that the provisions of the Section concerning the penalties shall be enforced in individual actions.
was taken up.

Senator Foshee requested and received permission to suspend the Rules in order to bring up the following Bill:

H. 485. To amend Sections 5-19-7 and 5-19-18, Code of Alabama 1975, relating to consumer finance, so as to provide that the provisions shall not apply to a consumer credit transaction that is repayable in a single payment.
in place of the Bill, H. B. 671.

On motion of Senator Foshee, further consideration of the Bill, H. B. 485, was postponed subject to the call of the Chair.

And on motion of Senator Foshee, further consideration of the Bill, H. B. 671, was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 616. Providing for a certain conditional appropriation from the state general fund to Senior Citizens Services, Incorporated for the 1989-90 fiscal year.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 616, without the Governor's signature and with a suggested Executive Amendment.

Done this 11th day of May, 1989.

Respectfully submitted,
HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 616, without my signature, but with the following suggested Executive Amendment.

EXECUTIVE AMENDMENT TO HOUSE BILL NO. 616:

Amend House Bill 616 on page 1, in the Title after the period by inserting the following:

"Also providing for a supplemental appropriation from the state general fund to the Alabama Highway Department for the 1988-89 fiscal year."

Further amend House Bill 616 on page 1, after Section 1 by inserting the following new section and renumbering the section that remains:

"Section 2. In addition to all other appropriations heretofore made, there is also appropriated the sum of \$71,500, or so much thereof as may be necessary, from the state general fund to the Alabama Highway Department for the 1988-89 fiscal year."

The adoption of the above suggested Executive Amendment will remove my objections to this Bill.

Done this 11th day of May, 1989.

Respectfully,

GUY HUNT,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 616, by a vote of a majority of those voting, said vote being: Yeas 75, Nays 0.

And said Bill, H. B. 616, together with the Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Corbett, the Senate non-concurred in the Executive amendment to the Bill, H. B. 616, the title of which and said executive amendment are set out in the foregoing House and Governor's Message.

Yeas 26; Nays 4.

Yeas:

Senators:	Campbell	Hale	Parsons
Amari	Corbett	Hand	Preuitt
Bailey	Covington	Hilliard	Rice
Bedford	deGraffenried	Holmes	Sanders
Bedsole	Denton	Horn	Smith (B)
Bennett	Figures	Langford	Windom
Cabaniss	Foshee	Mitchem	

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Nays:

Senators:	Dixon	Drinkard	Ellis	—4
Dial				

On motion of Senator Figures, the Senate reconsidered the Bill, H. B. 616.

And said Bill, H. B. 616, was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the Senate, said vote being:

Yeas 28; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Amari	Covington	Goodwin	Parsons	
Bailey	deGraffenried	Hand	Preuitt	
Bedford	Denton	Hilliard	Rice	
Bedsole	Dixon	Holmes	Sanders	
Bennett	Ellis	Horn	Smith (B)	
Cabaniss	Figures	Langford	Windom	
Campbell				—28

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate Amendment to the Bill:

H. 90. To amend Section 40-18-19 of the Code of Alabama 1975, relating to retirement benefits being exempted from income taxes so as to provide further for the exemption of United States government retirement annuities and to amend Section 40-18-20 relating to military retirement benefits being exempted from income taxes so as to provide further for said exemption.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Campbell, Johnson (RW), and Buskey (JE).

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 90, the title of which is set out in the foregoing Message from the House.

Yeas 30; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Amari	Covington	Goodwin	Parsons	
Bailey	deGraffenried	Hale	Preuitt	
Barron	Denton	Hand	Rice	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Dixon	Holmes	Smith (B)	
Bennett	Ellis	Horn	Windom	
Cabaniss	Figures	Langford		—30

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Mitchem, Cabaniss, and Manley.

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 156. Providing for elected superintendents of education to participate in the teachers' retirement system upon ratification of an amendment to the Constitution of Alabama 1901 allowing such elected superintendents to participate in such retirement system.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Mitchem	
Bailey	Denton	Hale	Preuitt	
Barron	Dial	Hand	Rice	
Bedford	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Holmes	Smith (B)	
Campbell	Ellis	Langford	Smith (J)	
Corbett	Figures	Manley	Windom	
Covington	Foshee			—29

Nays: —0

THE BILL:

H. 157. Proposing an amendment to Article IV, Section 98, Constitution of Alabama, to provide that the legislature shall have the power to provide that elected superintendents of education shall be eligible to participate in the Teachers' Retirement System of Alabama as the legislature may see fit.

was read a third time at length as required by the Constitution and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Amari	deGraffenried	Hand	Preuitt	
Bailey	Denton	Hilliard	Rice	
Bedford	Dial	Holmes	Sanders	
Bennett	Drinkard	Horn	Smith (B)	
Campbell	Ellis	Langford	Smith (J)	
Corbett	Foshee	Manley	Windom	
				—27

Nays: —0

THE BILL:

H. 446. To further amend Section 41-14-33, Code of Alabama 1975, as amended, relating to time deposits, open accounts and annual rate of interest thereon, so as to further provide therefor and for 91 day and 26 week maturities and certain one year maturities.

was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford	
Amari	Corbett	Foshee	Parsons	
Bailey	deGraffenried	Goodwin	Preuitt	
Bedford	Denton	Hale	Sanders	
Bedsole	Dial	Hand	Smith (B)	
Bennett	Dixon	Holmes	Smith (J)	
Cabaniss	Ellis	Horn	Windom	—27

Nays: —0

THE BILL:

H. 37. To amend Section 32-5-243, Code of Alabama 1975, relating to the lighting equipment and warning devices for vehicles engaged in the U.S. mail service so as to provide further for said lighting devices.

was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford	
Bailey	Corbett	Foshee	Manley	
Barron	deGraffenried	Hale	Mitchem	
Bedford	Denton	Hand	Preuitt	
Bedsole	Dial	Hilliard	Sanders	
Bennett	Drinkard	Holmes	Smith (B)	
Cabaniss	Ellis	Horn	Windom	—27

Nays: —0

Senator Bedford moved that the Senate reconsider the vote by which the Bill, H. B. 37, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Senator Smith (B) requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 876. To amend Sections 16-49-20, 16-49-26, 16-49-27 and 16-49-28 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University board of trustees so as to change the qualifications of a candidate for trustee; to redefine the time, frequency and manner of convening; to reduce the number required for a quorum; and to provide for payment of expenses to ex officio members.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, H. B. 876, to-wit:

SUBSTITUTE FOR H. B. 876

A BILL TO BE ENTITLED AN ACT

To amend Sections 16-49-20, 16-49-26, 16-49-27 and 16-49-28 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University board of trustees so as to change the qualifications of a candidate for trustee; to redefine the time, frequency, and manner of convening; to reduce the number required for a quorum; and to provide for payment of expenses to ex officio members.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 16-49-20, 16-49-26, 16-49-27 and 16-49-28, Code of Alabama 1975, are hereby amended to read as follows:

“§16-49-20.

“There is hereby created a board of trustees for Alabama Agricultural and Mechanical University, a state land-grant educational institution at Huntsville. The board of trustees shall consist of ~~11~~ 12 members, two who shall reside in the congressional district in which the institution is situated; one member shall reside in each of the remaining congressional districts in the state as constituted on September 5, 1975; three members shall be selected from the state-at-large, who shall reside in different districts; and the governor, who shall be ex officio president of the board. The president of the student government association shall be an ex officio non-voting thirteenth member. The trustees shall be appointed by the governor, by and with the advice and consent of the senate. The membership shall include at least ~~three graduates of~~ three members who have earned a degree from Alabama Agricultural and Mechanical University. Except for the first trustees appointed, trustees shall hold office for a term of six years. No member presently serving as of January, 1989 shall have his or her current term of office terminated because of these provisions. All appointments shall be effective ~~upon confirmation by the senate immediately ad interim.~~ The board shall be divided into three classes so that one third shall be appointed biennially. Of the first members appointed to the board, three shall be designated by the governor to serve until January 31, 1978; four until January 31, 1980; and four to serve until January 31, 1982. A trustee may be appointed to serve a second term of six years, but no trustee shall be appointed to serve more than a total of 12 years. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of duties as such. No member of the governing board or ~~employee~~ officer of any public postsecondary educational institution, no person who has attained the seventy-first birthday prior to appointment, and no elected or appointed official, ~~and no employee of the state of Alabama~~ having the power of review of the Alabama Agricultural and Mechanical University budget, other than the governor, shall be eligible to serve on the board of trustees. ~~No member shall serve past September 30 after reaching his seventy-first birthday.~~

“§16-49-26.

“The board of trustees of Alabama Agricultural and Mechanical University shall hold the regular meetings in June and October of each year.

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~~The regular annual meeting shall be held at the university on the fourth Thursday in October, unless the board Governor, as ex officio president, shall, in regular session, determine to hold its meeting at some other another time and place in October.~~ Special meetings of the board may be assembled by either one of the two methods outlined as follows:

“(1) Special meetings of the board may be called by the Governor. In calling such special meetings the governor shall mail a written notice to each trustee naming the time and place thereof, at least 10 days in advance of the date of such meeting.

“(2) Upon the application in writing of any four members of the board, the governor shall call a special meeting, naming the time and place thereof and causing notices to be issued in writing to the several members of the board. Such meeting shall not be held on a date less than 10 days subsequent to the notices from the governor. In the event of an emergency, the Governor, as ex officio president, is hereby authorized to call an emergency meeting.”

“§16-49-27.

“~~Eight~~ Seven members, exclusive of the governor, of the board of trustees shall constitute a quorum, but a smaller number may adjourn from day to day until a quorum is present.”

“§16-49-28.

“The certificate of the president of the board or, in his absence, of the president pro tempore, countersigned by the secretary, shall entitle the several trustees and ex officio members to the payment of their actual expenses incurred in the discharge of their discharge of their duties as such trustees, in conformity with regulations governing travel expenses of state officials.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem
Bailey	Covington	Hale	Preuitt
Bedford	deGraffenried	Hand	Sanders
Bedsole	Dial	Hilliard	Smith (B)
Bennett	Dixon	Holmes	Smith (J)
Cabaniss	Ellis	Horn	Windom
Campbell	Figures		

—25

Nays:

—0

And said Bill, H. B. 876, as thus amended by the substitute, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Bailey	Covington	Hale	Preuitt	
Barron	deGraffenried	Hand	Rice	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Dixon	Holmes	Smith (B)	
Bennett	Drinkard	Langford	Smith (J)	
Cabaniss	Ellis	Manley	Windom	
Campbell	Figures			—29

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 771. Relating to Madison County and emergency telephone service charges so as to further provide for the rate process in the county on such service; providing for additional information on emergency telephone service charges.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 136. To amend section 15-22-31, Code of Alabama 1975, which provides for the retaking of parolees, with or without arrest warrants, so as to increase the number of days a parolee may be held awaiting the arrival of a warrant.

Also:

S. 389. To prohibit students from carrying electronic communication devices while in school and provides for penalties for violations.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 703. Relating to the Town of Orange Beach in Baldwin County; to alter and rearrange the boundary lines and corporate limits of the Town of Orange Beach by removing certain parcels of land; and to further alter and rearrange the said boundary lines and corporate limits of Orange Beach by adding certain parcels of land, subject to the referendum election approval

by a majority of the electors residing within the territory proposed to be brought within.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Senators Rice and Dial offered the following Senate Resolution, to-wit:

S. R. 277. COMMENDING MISS CONNIE PIERCE OF MOBILE, ALABAMA, "MISS STILLWATERS."

Which was filed.

FURTHER CONSIDERATION OF H. B. 1022

The Senate proceeded to further consideration of the Bill, H. B. 1022.

On motion of Senator Drinkard, further consideration of the Bill, H. B. 1022, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, vetoing the Bill, H. B. 984, said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 984, without the Governor's signature and approval, but with the following veto message.

Done this 4th day of May, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 984 without my signature.

This bill is directly violative of Section 105 of the Alabama Constitution in that the bill imposes a tax under local law that is specifically prohibited

under a prior general law, section 28-3-284, Ala. Code 1975, which states: "Any county or municipality receiving any additional taxes pursuant to the provisions of this article shall be prohibited from levying any additional taxes or fees or the sale of alcoholic beverages which would be collected by the Alabama alcoholic beverage control board or its stores."

For the foregoing reasons, I hereby veto House Bill No. 984 I encourage you to join me in this decision.

Done on this the 4th day of May, 1989.

Respectfully,

GUY HUNT,
Governor.

And the Bill:

H. 984. Relating to Marshall County, levying a sales tax on certain alcoholic beverages sold at retail in the county and providing for its distribution.

was again read at length and passed, the Governor's veto to the contrary notwithstanding, by a vote of the whole number elected to the House, said vote being: Yeas 54, Nays 0.

And said Bill, H. B. 984 together with the Governor's Message, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Mitchem, the Senate reconsidered the Bill, H. B. 984, the title of which is set out in the foregoing Message from the House.

And said Bill, H. B. 984, was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the Senate, said vote being:

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Mitchem
Bedford	Covington	Figures	Preuitt
Bedsole	deGraffenried	Foshee	Rice
Bennett	Denton	Goodwin	Sanders
Bishop	Dial	Hale	Smith (B)
Cabaniss	Dixon	Hand	Smith (J)
Campbell	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

Senator Goodwin requested and received permission to suspend the Rules in order to bring up the Bill, to-wit:

H. 870. To propose an amendment to the Constitution of Alabama to authorize the state to pay a portion of the capital costs of public facilities

and works of internal improvement consisting of the deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the State Docks at the Port of Mobile; to authorize the state to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$20,000,000; and to authorize the state to establish a bond commission with the powers and resources necessary to issue the bonds authorized by this amendment to be issued by the State.

The Standing Committee on Rules reported the following amendment to the Bill, H. B. 870, to-wit:

AMENDMENT TO H. B. 870

Amend House Bill 870 on Page 2, lines 21 through 23, by deleting the phrase "in such manner and according to such conditions as may be provided by law." and inserting in lieu thereof the following: "at public or private sale, with or without competitive bidding, at such price or prices and on such terms and conditions as the Bond Commission shall determine to be in the best interest of the state."

Further amend House Bill 870 on Page 3, lines 5 and 6 by deleting the phrase "such powers as may be necessary" and inserting in lieu thereof the following: "full power"

Which was adopted.

Yeas 25; Nays 1.

Yeas:

Senators:	Campbell	Figures	Langford
Bailey	Covington	Foshee	Manley
Barron	deGraffenried	Goodwin	Mitchem
Bedford	Denton	Hale	Parsons
Bedsole	Dial	Hand	Preuitt
Bennett	Dixon	Hilliard	Windom
Cabaniss	Ellis		

—25

Nay: Senator Sanders —1

And said Bill, H. B. 870, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley
Bailey	Covington	Foshee	Mitchem
Barron	deGraffenried	Goodwin	Parsons
Bedford	Denton	Hale	Preuitt
Bedsole	Dial	Hand	Sanders
Bennett	Dixon	Hilliard	Windom
Cabaniss	Ellis	Langford	

—26

Nays: —0

Senator Goodwin moved that the Senate reconsider the vote by which the Bill, H. B. 870, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

THE BILL:

H. 297. To propose that any person or candidate involved in certain election contests is entitled to make an examination of the ballots cast, given, or rejected in the election and provides the procedures for examination of the ballots cast, given, or rejected.

was read a third time at length and passed.

Yeas 24; Nays 1.

Yeas:

Senators:	Cabaniss	Dial	Hand
Amari	Campbell	Dixon	Hilliard
Bailey	Corbett	Ellis	Manley
Barron	Covington	Figures	Pruitt
Bedford	deGraffenried	Foshee	Sanders
Bedsole	Denton	Hale	Windom
Bennett			

—24

Nay: Senator Goodwin

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 290. To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, Code of Alabama 1975, and to repeal Sections 27-40-15, 27-40-16, 27-40-17 and 27-40-18 of the Code of Alabama 1975, relating to insurance premium finance companies so as to provide further for the regulation of such companies; to delete all references to and repeal any authorization for designated agents; to provide who is required to sign an agreement; to provide for a maximum service charge; to substantially alter the procedure for return of gross unearned premiums upon cancellation of the insurance contract; and to provide for time limits for the return of unearned premiums.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the House amendment to the Bill:

S. 574. Relating to Etowah County; levying an additional ad valorem tax in the county, pursuant to Constitutional Amendment No. 373, Constitution of 1901, as amended, for school district capital improvement purposes and providing for an appropriate referendum; and providing for the discontinuance of such tax.

And said Bill, S. B. 574 as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, S. B. 574 together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the House amendment to the Bill:

S. 7. To provide that any person who kills a dog used by a peace officer within the line and scope of said officer's duties shall be guilty of a felony offense.

And said Bill, S. B. 7 as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, S. B. 7 together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 400. To amend Section 36-16-8, Code of Alabama 1975, which provides for the inventory of state property, so as to provide further for such inventory.

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

S. J. R. 248. COMMENDING THE CLEBURNE COUNTY HIGH SCHOOL INTERMEDIATE FUTURE PROBLEM SOLVING TEAM.

Also:

S. J. R. 252. REQUESTING A JOINT STUDY ON DEER HUNTING IN THE CONECHU NATIONAL FOREST.

Also:

S. J. R. 257. COMMENDING THE BALDWIN COUNTY HIGH SCHOOL JUNIORETTES, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 259. RECOGNIZING WITH COMMENDATION THE 5TH ANNIVERSARY OF THE INCORPORATION OF ORANGE BEACH, ALABAMA.

Also:

S. J. R. 264. DESIGNATING THE MONARCH BUTTERFLY AS THE OFFICIAL INSECT OF ALABAMA.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

S. J. R. 41. COMMENDING FAYETTE COUNTY DEPUTY SHERIFF HAROLD PENDLEY FOR DISTINGUISHED PERFORMANCE OF DUTY.

Also:

S. J. R. 222. COMMENDING THE WASHINGTON COUNTY HISTORICAL SOCIETY FOR THEIR LEADERSHIP IN PRESERVING THE HISTORY AND HERITAGE OF WASHINGTON COUNTY.

Also:

S. J. R. 223. EXPRESSING THE SENSE OF THE LEGISLATURE REGARDING THE RESTORATION OF EASTERN AIRLINES TO FULL OPERATIONS.

Also:

S. J. R. 225. NAMING THE STUDENT CENTER AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND, THE "JOHN A. TEAGUE STUDENT CENTER."

Also:

S. J. R. 237. CREATING A SENATE INTERIM COMMITTEE ON SENATE RULES.

Also:

S. J. R. 240. RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

Also:

S. J. R. 244. RECOGNIZING WITH COMMENDATION THE OUTSTANDING ACCOMPLISHMENTS OF MOREHOUSE COLLEGE.

Also:

S. J. R. 245. COMMENDING EDNA BLUE JOHNSON OF BIRMINGHAM, ALABAMA, AS "ZETA OF THE YEAR."

Also:

S. J. R. 263. NAMING HOUSE BILL NO. 17 OF THE 1989 REGULAR SESSION "THE BREEDLOVE ALLIGATOR BILL."

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

S. J. R. 173. COMMENDING MS. LAVERNE O'REAR OF LOWNDES COUNTY, ALABAMA.

Also:

S. J. R. 224. RECOGNIZING AND COMMENDING THE WILSON BROTHERS AND FAMILIES OF CHILDERSBURG.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 159. To authorize the State Board of Health to inspect waters in which oysters are harvested and to close the oyster beds where the waters

are declared unsafe for harvesting oysters for human consumption and to set a penalty for violations.

was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Amari	Corbett	Foshee	Mitchem	
Barron	Covington	Goodwin	Preuitt	
Bedford	deGraffenried	Hale	Rice	
Bedsole	Denton	Hand	Sanders	
Bennett	Dial	Hilliard	Windom	
Cabaniss	Ellis	Langford		—26

Nays: —0

Senator Bedsole moved that the Senate reconsider the vote by which the Bill, H. B. 159, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

THE BILL:

H. 545. To create and establish the Alabama High School of Mathematics and Science; to provide for legislative intent; definitions; board of directors, membership, method of appointment, duties, powers, compensation and terms of office; to provide for programs and operation; to provide for extracurricular activities; to prescribe eligibility requirements and to provide for funding.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, H. B. 545, to-wit:

AMENDMENT TO H. B. 545

Amend H. B. 545, Page 9, by adding the following new Section 11 and renumbering the remaining sections accordingly:

"Section 11. Notwithstanding any provision in this act to the contrary, all persons employed by the Alabama High School of Mathematics and Science shall have the same rights, benefits, and privileges as persons employed by city and county boards of education, including but not limited to: the tenure law for teachers, the Fair Dismissal Law for support personnel, the Public Education Employees Health Insurance Program, retirement, and all other provisions of law pertaining to employee benefits and rights contained in Title 16 Code of Alabama, 1975, as amended, or as promulgated by the State Board of Education for all persons employed by city and county boards of education from time to time."

On motion of Senator Bedsole, said amendment was laid on the table.

And said Bill, H. B. 545, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Preuitt	
Amari	Corbett	Hale	Rice	
Barron	Denton	Hand	Sanders	
Bedford	Dial	Langford	Smith (B)	
Bedsole	Ellis	Manley	Windom	
Bennett	Figures	Mitchem		—22

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate.

S. 79. To provide that a memorandum of lease may be recorded in lieu of the lease itself provided certain information is contained therein. Further to amend Ala. Code § 35-4-6 (1975) so as to provide that recordation of a memorandum of lease has the same effect as recording the lease itself. This act is retroactive and ratifies and confirms any memorandum of lease previously filed which conforms to this act.

Also:

S. 273. To increase the number of trustees on the Board of Trustees of Selma University and provide for their appointment.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 311. To establish the Uniform Commercial Driver License Act, setting testing and licensing standards for operators and employers of commercial vehicles; to prescribe that certain minimum information be included on commercial driver licenses; to define groups of commercial vehicles; to provide for the cost of licenses, restrictions and endorsements for each such group; to exclude certain vehicles for personal or recreational purposes and certain testing for certain persons with certain skills and experience and to grandfather in certain persons; to prescribe the qualifications for applications and the manner of testing and licensing; to provide that no person shall be eligible to hold more than one driver license; to prescribe certain notification processes; to require employers to obtain and determine certain information about applicants and drivers; to provide for the issuance of permits; to authorize the director and department to issue, promulgate and enforce certain guidelines, conditions, standards, rules and regulations, pursuant to the provisions of this act and federal regulations; prescribing lifetime and temporary revocations and suspensions of license for certain felony violations involving controlled substances and driving while under the influence with certain blood concentrations; to authorize the director and the department of public safety to enter into certain contracts or agreements to implement the provisions of this act and reciprocity with other states, provinces and territories, and to provide the conditions therefor; to provide for the full faith and

credit of out-of-state convictions; to prescribe certain criminal penalties and punishment for certain violations, upon conviction, and to make such penalties and punishment cumulative to any and all other such provisions; and to specifically repeal laws conflicting with this act.

was taken up.

Senator Dial offered the following amendment to the Bill, H. B. 311, to-wit:

AMENDMENT TO H. B. 311

Amend House Bill 311, page 11, line 7, by adding the following new sentence:

In the case of school bus drivers the department shall waive the skills test herein specified.

Further amend House Bill 311, page 12, line 10 by adding the following new sentence:

The application fee costs for school bus drivers shall not be assessed against existing bus drivers nor school boards.

Further amend House Bill 311, page 19, line 9, after the word "of" delete the figure "\$25.00" and insert in lieu thereof "\$15.00"

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Pruitt	
Amari	Campbell	Hale	Rice	
Barron	Corbett	Hand	Sanders	
Bedford	Covington	Hilliard	Smith (B)	
Bedsole	Denton	Langford	Windom	
Bennett	Dial			—21

Nays: —0

And said Bill, H. B. 311, as thus amended, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Pruitt	
Amari	Campbell	Foshee	Rice	
Barron	Corbett	Hale	Sanders	
Bedford	Covington	Hilliard	Smith (B)	
Bedsole	Denton	Langford	Windom	
Bennett	Dial	Mitchem		—22

Nays: —0

FURTHER CONSIDERATION OF H. B. 485

The Senate proceeded to further consideration of the Bill, H. B. 485.

The Standing Committee on Banking and Insurance reported the following substitute for the Bill, H. B. 485, to-wit:

SUBSTITUTE FOR H. B. 485

**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 5-19-7 and 5-19-18, Code of Alabama 1975, relating to consumer finance, so as to provide that the provisions shall not apply to a consumer credit transaction that is repayable in a single payment.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 5-19-7 and 5-19-18, Code of Alabama 1975, are hereby amended to read as follows:

“§5-19-7.

“With respect to a consumer credit sale or loan or one pursuant to an open-end credit plan, if any scheduled payment is more than one and one-half times as large as the average of earlier scheduled payments, the buyer has the right to refinance the amount of that payment at the time it is due without penalty. The terms of the refinancing shall be no less favorable than the terms of the original transaction. These provisions do not apply if the debtor's payment schedule has been adjusted to conform with the seasonal or irregular income of the debtor, or if a consumer credit sale or loan is repayable in a single principal payment irrespective of the scheduled interest payments.”

“§5-19-18.

“With respect to consumer credit transactions, where the debt is payable in installments, not made pursuant to an open-end credit plan and in which the principal is \$1,000.00 or less, the debt shall be scheduled to be payable in substantially equal installments at equal periodic intervals, except to the extent that the schedule of payments is adjusted to the seasonal or irregular income of the debtor, and: or when the transaction is a single principal payment obligation irrespective of the scheduled interest payments, and:

“(1) Over a period of not more than 36 months and 15 days if the principal or amount financed is more than \$300.00; or

“(2) Over a period of not more than 24 months and 15 days if the principal or amount financed is \$300.00 or less.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Denton	Hand	Preuitt	
Amari	Dial	Hilliard	Rice	
Barron	Drinkard	Holmes	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Cabaniss	Foshee	Manley	Windom	
Campbell	Hale			—21

Nays: —0

And said Bill, H. B. 485, as thus amended by the substitute, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Hand	Rice	
Amari	Denton	Hilliard	Sanders	
Barron	Dial	Holmes	Smith (B)	
Bedsole	Ellis	Langford	Smith (J)	
Bennett	Foshee	Manley	Windom	
Cabaniss	Hale	Preuitt		—22

Nays: —0

FURTHER CONSIDERATION OF H. B. 1022

The Senate proceeded to further consideration of the Bill, H. B. 1022.

Senator Parsons moved that further consideration of the Bill, H. B. 1022, be postponed temporarily.

On motion of Senator Drinkard, the motion to postpone was laid on the table.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 202. To provide for uniform federal lien registration; to provide for the registration of federal tax liens and other liens; to provide for the place of filing; to provide for the duties of the filing officer; to provide for filing, indexing and other fees payable to the filing officer; to provide for severability of the provisions of this act; to provide for the repeal of Section 35-11-40 and Section 35-11-41, Code of Alabama 1975, relating to filing of notices of tax liens of the United States, and for the amendment or repeal of conflicting provisions of law; and to provide for an effective date.

Also:

S. 378. To provide that the Judicial Inquiry Commission's investigative and litigation costs shall be paid out of the funds appropriated annually to the court costs fund or funds; and to provide for repayment of any refunded or recaptured amounts to the court cost fund or general fund.

Also:

S. 311. To amend section 13A-12-250, Code of Alabama 1975, which imposes an additional penalty for the sale of illegal drugs on or near a school campus, so as to provide for an additional penalty for a sale within three miles of a school campus.

Also:

S. 312. To impose an additional penalty for the sale of illegal drugs within three miles of a public housing project.

Also:

S. 638. To propose a constitutional amendment authorizing the legislature to enact laws regulating costs and charges of court in certain political subdivisions; to validate certain prior acts and actions taken pursuant thereto; and to prohibit retroactive levy and collection of said costs and charges.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 602. To further amend Section 41-16-50, Code of Alabama 1975, as amended, relating to public contracts requiring competitive bidding, so as to include state trade schools, state junior colleges, state colleges or universities under the supervision or control of separate boards of trustees.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 458. Relating to the City of Birmingham, Jefferson County, Alabama; providing for the election of the members of the city board of education from single-member districts.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 170. To provide that out-of-court statements made by children under twelve years of age at the time of the proceeding concerning an act that is a material element of any crime involving child sexual abuse, as defined,

not otherwise admissible are admissible in a criminal proceeding in certain circumstances; to specify those circumstances; and to define crimes involving child sexual abuse for purposes of this act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 274. NAMING THE CLAY COUNTY NURSING HOME IN MEMORY AND HONOR OF DR. C. P. HORN.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 1022

The Senate proceeded to further consideration of the Bill, H. B. 1022.

RESOLUTIONS

Senators Manley, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hilliard, Holmes, Horn, Langford, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), Smith (J), and Windom offered the following Senate Joint Resolution, to-wit:

S. J. R. 278. COMMENDING PERRY HAND OF GULF SHORES ON HIS DISTINGUISHED LEGISLATIVE TENURE.

WHEREAS, our good friend and colleague, Perry Hand of Gulf Shores, was elected to the Alabama Senate in 1983 and, for the past six years, has rendered invaluable service to his constituents in Senate district 32 and to all citizens of the State of Alabama; and

WHEREAS, indicative of Senator Hand's accomplished service is his selection in 1988, by secret ballot of his peers, as the Most Outstanding Member of the Senate; he also was nominated in 1987 for this signal honor by his fellow Senate members; and

WHEREAS, Senator Hand, who is a 1969 graduate of Auburn University, operates a highly successful civil engineering firm in Gulf Shores and Shelby County and is a member of the American Congress on Surveying and Mapping, the Alabama Society of Professional Land Surveyors, and the Society of Photogrammetry; and

WHEREAS, he also is a member of the United Methodist Church of Gulf Shores; a member of the Optimist and Rotary Clubs; and, in his leisure time, as a proficient sailor, is often to be found off-shore aboard his sailboat; and

WHEREAS, it is with mixed emotion that we view our colleague's departure from the Senate; we shall, of course, miss his knowledge, expertise and sound judgment, but are pleased with his appointment by Governor

Hunt as Secretary of State, knowing that he takes with him to his new position the same admirable attributes that have rendered him invaluable to this body; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his outstanding legislative service and contributions, and with warm best wishes for his every future success, we hereby commend our good friend, Perry Hand of Gulf Shores, Alabama, whom we hold in warmest personal regard and to whom a copy of this resolution shall be presented.

On motion of Senator Manley, the Rules were suspended and the Resolution was adopted by the Senate.

Senator deGraffenried offered the following Senate Resolution, to-wit:

S. R. 279. MOURNING THE DEATH OF RICHARD CARY DEAN OF MONTGOMERY, ALABAMA.

Which was filed.

FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The hour of 10 o'clock P.M. having arrived, the Senate proceeded to further consideration of the Governor's appointment of Mr. Jim Bagwell to the Alabama Real Estate Commission.

On motion of Senator Amari, the appointment of Mr. Bagwell was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Preuitt
Amari	deGraffenried	Hand	Rice
Bedford	Denton	Hilliard	Sanders
Bedsole	Dial	Langford	Smith (B)
Bennett	Dixon	Manley	Smith (J)
Cabaniss	Drinkard	Parsons	Windom
Campbell	Figures		

—25

Nays:

—0

FURTHER CONSIDERATION OF H. B. 1022

The Senate proceeded to further consideration of the Bill, H. B. 1022.

Senator Barron moved that further consideration of the Bill, H. B. 1022, be postponed subject to the call of the Chair, which motion was lost.

Yeas 13; Nays 14.

Yeas:

Senators:	Covington	Hale	Mitchem
Barron	deGraffenried	Hand	Parsons
Bedsole	Denton	Manley	Rice
Cabaniss	Dixon		

—13

Nays:

Sensors:	Campbell	Ellis	Sanders
Amari	Corbett	Foshee	Smith (B)
Bedford	Dial	Hilliard	Windom
Bennett	Drinkard	Preuitt	

—14

RESOLUTION

Senator Manley offered the following Senate Resolution, to-wit:

S. R. 280. COMMENDING PERRY HAND OF GULF SHORES ON HIS DISTINGUISHED LEGISLATIVE TENURE.

Which was filed.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 771. Relating to Madison County and emergency telephone service charges so as to further provide for the rate process in the county on such service; providing for additional information on emergency telephone service charges.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the house having signed the following House Bill, your signature thereto is requested.

H. 156. Providing for elected superintendents of education to participate in the teachers' retirement system upon ratification of an amendment to the Constitution of Alabama 1901 allowing such elected superintendents to participate in such retirement system.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had

been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 157. Proposing an amendment to Article IV, Section 98, Constitution of Alabama, to provide that the legislature shall have the power to provide that elected superintendents of education shall be eligible to participate in the Teachers' Retirement System of Alabama as the legislature may see fit.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 142. To create the Dietetics/Nutrition Practice Act and to provide for a board of examiners, and to prescribe the method of appointment; its duties and authorities; to provide an appropriation for fiscal years 1988-89 and 1989-90; and to provide for licensing qualifications, renewals and revocation, exemptions, reciprocity, and penalties.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 333. To amend Section 36-30-2 of the Code of Alabama 1975, as amended, so as to increase the amount of the death benefit paid to survivors of peace officers and firemen killed on duty.

Also:

H. 446. To further amend Section 41-14-33, Code of Alabama 1975, as amended, relating to time deposits, open accounts and annual rate of interest thereon, so as to further provide therefor and for 91 day and 26 week maturities and certain one year maturities.

Also:

H. 489. To provide for participation of employees of regional and local legislative delegation offices in the state employees' retirement system.

Also:

H. 37. To amend Section 32-5-243, Code of Alabama 1975, relating to the lighting equipment and warning devices for vehicles engaged in the U.S. mail service so as to provide further for said lighting devices.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 1022

The Senate proceeded to further consideration of the Bill, H. B. 1022.

Senator Prewitt moved that the Senate reconsider the vote by which the motion to postpone subject to the call of the Chair was lost, which motion was adopted.

Yeas 23; Nays 2.

Yeas:

Senators:	deGraffenried	Figures	Mitchem	
Amari	Denton	Foshee	Parsons	
Bailey	Dial	Goodwin	Prewitt	
Bedsole	Dixon	Hale	Rice	
Cabaniss	Drinkard	Holmes	Sanders	
Covington	Ellis	Manley	Windom	—23

Nays:

Senators:	Bedford	Corbett	—2
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On motion of Senator Mitchem, further consideration of the Bill, H. B. 1022, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 278. COMMENDING PERRY HAND OF GULF SHORES ON HIS DISTINGUISHED LEGISLATIVE TENURE.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 485. To amend Sections 5-19-7 and 5-19-18, Code of Alabama 1975, relating to consumer finance, so as to provide that the provisions shall not apply to a consumer credit transaction that is repayable in a single payment.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 876. To amend Sections 16-49-20, 16-49-26, 16-49-27 and 16-49-28 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University board of trustees so as to change the qualifications of a candidate for trustee; to redefine the time, frequency, and manner of convening; to reduce the number required for a quorum; and to provide for payment of expenses to ex officio members.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 870. To propose an amendment to the Constitution of Alabama to authorize the state to pay a portion of the capital costs of public facilities and works of internal improvement consisting of the deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the State Docks at the Port of Mobile; to authorize the state to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$20,000,000; and to authorize the state to establish a

bond commission with the powers and resources necessary to issue the bonds authorized by this amendment to be issued by the state.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 201. To amend Sections 41-4-110, 41-4-111 and 41-4-113 of the Code of Alabama 1975, so as to change the name of the Division of Purchases and Stores to the Division of Purchasing and to remove anachronistic language relating to the maintenance by the division of stores for storage and distribution of personal property.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 246. ESTABLISHING THE CONTINUING JOINT STUDY COMMITTEE ON THE BLIND AND HEARING IMPAIRED.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Preuitt, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 246, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. J. R. 246

Amend S. J. R. 246 on page 2, line(s) 11 by striking after the word "Session" the following: "and each regular Session thereafter." and inserting in lieu thereof, the following: "at which time it shall cease to exist."

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 234. PROVIDING FOR A SPACE IN THE STATE CAPITOL FOR PLACEMENT OF PICTURES AND PLAQUES BY THE SENIOR CITIZENS HALL OF FAME COMMISSION.

And on motion of Senator Drinkard, said Resolution, H. J. R. 234, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 485. DESIGNATING A PORTION OF ALABAMA HIGHWAY 75 AS THE "BOB HALL DRIVE."

And on motion of Senator Drinkard, said Resolution, H. J. R. 485, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 372. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON ELECTION LAW REFORM.

And on motion of Senator Drinkard, said Resolution, H. J. R. 372, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 566. PROHIBITING THE RETIREMENT SYSTEMS OF ALABAMA FROM AUDITING FOR COMPUTING BENEFITS CERTAIN YEARS OF PRIOR SERVICE.

And on motion of Senator Drinkard, said Resolution, H. J. R. 566, was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 238. CREATING AN INTERIM COMMITTEE ON LOW INCOME HOUSING.

And on motion of Senator Drinkard, said Resolution, H. J. R. 238, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 494. To amend Section 33-5-17, Code of Alabama 1975, as last amended, relating to classification of vessels and registration fees, so as to increase certain registration fees; and to provide that certain amounts of said fees shall be dedicated to and utilized for the repair of public boat ramps and launching areas.

was taken up.

On motion of Senator Barron, further consideration of the Bill, H. B. 494, was postponed temporarily.

THE BILL:

H. 365. To provide for the exemption of certain property from any and all ad valorem taxes.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Bailey	Denton	Hale	Parsons	
Bedford	Dixon	Hand	Rice	
Bedsole	Drinkard	Holmes	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Cabaniss	Foshee	Manley	Windom	—23

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 90. To amend Section 40-18-19 of the Code of Alabama 1975, relating to retirement benefits being exempted from income taxes so as to provide further for the exemption of United States government retirement annuities and to amend Section 40-18-20 relating to military retirement benefits being exempted from income taxes so as to provide further for said exemption.

said Conference Report being in words and figures as follows:

REPORT OF THE CONFERENCE COMMITTEE ON H. B. 90

We, the Committee on Conference appointed to reconcile the differences of the two houses concerning House Bill 90, have met in conference and agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

JAMES M. CAMPBELL,
JAMES E. BUSKEY,
ROY W. JOHNSON,
Conferees on the Part of the House.

W. J. CABANISS, JR.,
HINTON MITCHEM,
Conferees on the Part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 90**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 40-18-19 of the Code of Alabama 1975, relating to retirement benefits being exempted from income taxes so as to provide further for the exemption of United States government retirement annuities

and to amend Section 40-18-20 relating to military retirement benefits being exempted from income taxes so as to provide further for said exemption.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-18-19, Code of Alabama 1975, is hereby amended to read as follows:

"40-18-19.

"(a) The following exemptions from income taxation shall be allowed to every individual resident taxpayer:

"(1) Retirement allowances, pensions and annuities, or optional allowances, approved by the board of control of the teachers' retirement system of Alabama, which exempt status is set out in section 16-26-23;

"(2) Retirement allowances, pensions and annuities or optional allowances, approved by the board of control of the employees' retirement system of Alabama, which exempt status is set out in section 36-27-28;

"(3) The first \$8,000.00 of any retirement compensation, retirement allowances, pensions and annuities, or optional allowances, received by any eligible fire fighter as defined in sections 36-32-1 and 36-32-2, from any firefighting agency established in the state of Alabama, but only if such retirement compensation, retirement allowances, pensions and annuities, or optional allowances as are awarded as a result of fire protection services rendered. This subdivision shall become effective for the taxable years beginning January 1, 1987, and thereafter following its passage and approval by the governor, or upon its otherwise becoming a law.

"(4) The first \$8,000.00 of any retirement compensation, retirement allowances, pensions and annuities, or optional allowances, received by any eligible peace officer as defined in section 36-21-60(10), from any police retirement system established in the state of Alabama, but only if such retirement compensation, retirement allowances, pensions and annuities, or optional allowances are awarded as a result of police services rendered. This subdivision shall become effective for taxable years beginning January 1, 1984, and thereafter.

"(5) Income received as annuities under the United States retirement system from the United States government civil service retirement and disability fund including income received from the Tennessee Valley Authority's pension system, income received as annuities under the United States foreign service retirement and disability fund, or income received from any other United States government retirement and disability fund.

"(6) Net income realized by individuals and partnerships from time to time in the business of conducting a financial business employing moneyed capital coming into competition with the business of national banks, but only if such individuals and partnerships are subject to an excise tax imposed by this state on or with respect to such income;

"(7) In the case of a single person or a married person not living with husband or wife, a personal exemption of \$1,500.00 or, in the case of a head of a family or a married person living with husband or wife, a personal exemption of \$3,000.00, but a husband and wife living together shall receive only one personal exemption of \$3,000.00 against their aggregate income, and in case they make separate returns each must claim a personal exemption of \$1,500.00; and

“(8) Three hundred dollars for each person, other than husband or wife, dependent upon the taxpayer, and over half of whose support, for the calendar year in which the taxable year for the taxpayer begins, was received from the taxpayer. For the purposes of this section, “dependent” shall mean: a son or daughter of the taxpayer or a descendant of either; a stepson or stepdaughter of the taxpayer; a brother, sister, stepbrother or stepsister of the taxpayer; the father or mother of the taxpayer or an ancestor of either; a stepfather or stepmother of the taxpayer; a son or daughter of a brother or sister of the taxpayer; a brother or sister of the father or mother of the taxpayer; a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law of the taxpayer. As used in this paragraph the terms “brother” and “sister” include a brother or sister by the half blood. For the purpose of determining whether any of the foregoing relationships exist, a legally adopted child of a person shall be considered a child of such a person by blood.

“(b) Of the following personal exemptions allowed resident taxpayers, each nonresident individual taxpayer shall be allowed that proportion thereof that the adjusted gross income received by said nonresident individual taxpayer from sources within the state of Alabama bears to his or her adjusted gross income received from sources within and without the state of Alabama: In the case of a single person or a married person not living with husband or wife, a personal exemption of \$1,500.00 or, in the case of a head of a family or a married person living with husband or wife, a personal exemption of \$3,000.00, a husband and wife living together shall receive but one personal exemption of \$3,000.00 against their aggregate income; and, in case they make separate returns, each must claim a personal exemption of \$1,500.00; and \$300.00 for each person, other than husband or wife, dependent upon and receiving his chief support from the taxpayer.”

Section 2. Section 40-18-20, Code of Alabama 1975, is hereby amended to read as follows:

“40-18-20.

“(a) The first \$4,750.00 retirement or compensation received as retirement benefit from the military services by any person retired from the military services of the United States of America and survivor benefits derived therefrom is hereby exempt from any state, county or municipal income tax or like tax by whatever name called.

“(b) Effective January 1, 1983, the amount of the exemption provided for in subsection (a) of this section shall be increased to \$8,000.00.

“(c) Effective January 1, 1985, the amount of the exemption provided for in subsection (b) of this section shall be increased to \$10,000.00.

“(d) Effective January 1, 1990, and for all successive tax years, all retirement payments or compensation received as retirement benefits recognized under this section shall be exempt.”

Section 3. The Department of Revenue shall have statutory rulemaking authority to promulgate reasonable rules and regulations with which to administer the provision of this article.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This act shall become effective for tax years beginning on January 1, 1990, following its passage and signature by the Governor or otherwise becoming a law.

And said Bill, H. B. 90, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, H. B. 90, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

Senator Mitchem moved that the Senate concur in and adopt the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 90, the title of which and said Conference Report are set out in the foregoing Message from the House.

On motion of Senator Dixon, further consideration of the motion to concur in said Conference Report for the Bill, H. B. 90, was postponed subject to the call of the Chair.

BILLS ON THIRD READING RESUMED

Senator Dixon requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 244. To provide for the reopening of the employees' retirement system for certain active members who had employment with the Alabama legislature prior to 1979.

And said Bill, H. B. 244, was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Campbell	Figures	Mitchem	
Amari	Corbett	Foshee	Parsons	
Bailey	Covington	Hale	Preuitt	
Bedford	Denton	Holmes	Rice	
Bedsole	Dial	Horn	Sanders	
Bennett	Dixon	Langford	Smith (B)	
Cabaniss	Ellis	Manley	Windom	—27

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Johnson (RG):

H. J. R. 669. COMMENDING MAJOR GENERAL JAMES W. CRYSEL ON HIS DISTINGUISHED MILITARY CAREER.

Also:

By Rep. Johnson (RG):

H. J. R. 670. COMMENDING GERALD DOUGLASS, HEAD BASKETBALL COACH OF SYLACAUGA HIGH SCHOOL.

Also:

By Reps. Knight and Hill:

H. J. R. 671. EXTENDING CONGRATULATIONS AND BEST WISHES TO DR. JOHN STEWART, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Ellis, the Rules were suspended and the Resolutions, H. J. R.'s 669, 670, and 671, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 422. To amend Section 36-26-36 and Section 36-26-36.1 of the Code of Alabama 1975, as amended by Act No. 88-904 of the First Special Session of 1988, relating to sick leave for state employees, so as to provide further for the accumulation and use of such sick leave and to provide for certain retroactive effect.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 304. To provide for cost-of-living increases in the retirement benefits of retired employees of certain public hospitals and related facilities; to provide that the granting of such increases shall be at the option of the county commission of the county in which such hospital or facility existed and the cost thereof shall be paid by such county.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 127. To amend section 32-6-272, Code of Alabama 1975, relating to the issuance of license plates to fire fighters, so as to authorize the issuance of said plates at reduced cost to the recipient.

Also:

S. 394. To authorize municipalities to adopt a procedure for the issuance of a summons and complaint for violations of certain municipal ordinances, to provide for dispositions of such violations, and to establish additional penalties for offenders failing to appear in court.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 90

The Senate proceeded to further consideration of the Bill, H. B. 90. The question was on the motion of Senator Mitchem that the Senate concur in the Conference Report for the Bill, H. B. 90.

And on motion of Senator Bedsole, further consideration of the motion to concur in the Conference Report for the Bill, H. B. 90, was postponed temporarily.

BILLS ON THIRD READING RESUMED

Senator Bedsole requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 607. To amend Section 32-6-270, Code of Alabama 1975, which defines the term "fire fighter" for purposes of issuing distinctive license plates, so as to include retired fire fighters within said definition.

And said Bill, H. B. 607, was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Manley
Amari	Campbell	Ellis	Mitchem
Bailey	Corbett	Hale	Preuitt
Barron	Covington	Hand	Rice
Bedford	deGraffenried	Holmes	Sanders
Bedsole	Denton	Horn	Smith (B)
Bennett	Dial	Langford	Windom

—27

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 91. To amend Section 36-7-21 of the Code of Alabama 1975, relating to allowances for persons traveling outside the state of Alabama, so as to permit the employing agency to elect to advance direct payments to third parties of travel and travel-related expenses for authorized travel out of state.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1007. To amend Section 41-9-73, Code of Alabama 1975, as amended, so as to increase the annual appropriations to the Board of Adjustment for payment of claims and death benefits.

was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Manley
Amari	Covington	Foshee	Preuit
Bailey	deGraffenried	Hale	Rice
Bedford	Denton	Hand	Sanders
Bedsole	Dial	Holmes	Smith (B)
Bennett	Dixon	Horn	Smith (J)
Cabaniss	Drinkard	Langford	Windom
Campbell			

—28

Nays:

—0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 638. To propose a constitutional amendment authorizing the legislature to enact laws regulating costs and charges of court in certain political subdivisions; to validate certain prior acts and actions taken pursuant thereto; and to prohibit retroactive levy and collection of said costs and charges.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 7. To provide that any person who kills a dog used by a peace officer within the line and scope and said officer's duties shall be guilty of a felony offense.

Also:

S. 574. Relating to Etowah County; levying an additional ad valorem tax in the county, pursuant to Constitutional Amendment No. 373, Constitution of 1901, as amended, for school district capital improvement purposes and providing for an appropriate referendum; and providing for the discontinuance of such tax.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 79. To provide that a memorandum of lease may be recorded in lieu of the lease itself provided certain information is contained therein. Further to amend Ala. Code §35-4-6 (1975) so as to provide that recordation of a memorandum of lease has the same effect as recording the lease itself. This act is retroactive and ratifies and confirms any memorandum of lease previously filed which conforms to this act.

Also:

S. 273. To increase the number of trustees on the Board of Trustees of Selma University and provide for their appointment.

Also:

S. 290. To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, Code of Alabama 1975, and to repeal Sections 27-40-15, 27-40-16, 27-40-17 and 27-40-18 of the Code of Alabama 1975, relating to insurance premium finance companies so as to provide further for the regulation of such companies; to delete all references to and repeal any authorization for designated agents; to provide who is required to sign an agreement; to provide for a maximum service charge; to substantially alter the procedure for return of gross unearned premiums upon cancellation of the insurance contract; and to provide for time limits for the return of unearned premiums.

Also:

S. 400. To amend Section 36-16-8, Code of Alabama 1975, which provides for the inventory of state property, so as to provide further for such inventory.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 136. To amend section 15-22-31, Code of Alabama 1975, which provides for the retaking of parolees, with or without arrest warrants, so as to increase the number of days a parolee may be held awaiting the arrival of a warrant.

Also:

S. 389. To prohibit students from carrying electronic communication devices while in school and provides for penalties for violations.

Also:

S. 703. Relating to the Town of Orange Beach in Baldwin County; to alter and rearrange the boundary lines and corporate limits of the Town of Orange Beach by removing certain parcels of land; and to further alter and rearrange the said boundary lines and corporate limits of Orange Beach by adding certain parcels of land, subject to the referendum election approval by a majority of the electors residing within the territory proposed to be brought within.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 201. To amend Sections 41-4-110, 41-4-111 and 41-4-113 of the Code of Alabama 1975, so as to change the name of the Division of Purchases and Stores to the Division of Purchasing and to remove anachronistic

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language relating to the maintenance by the division of stores for storage and distribution of personal property.

Also:

S. 311. To amend section 13A-12-250, Code of Alabama 1975, which imposes an additional penalty for the sale of illegal drugs on or near a school campus, so as to provide for an additional penalty for a sale within three miles of a school campus.

Also:

S. 312. To impose an additional penalty for the sale of illegal drugs within three miles of a public housing project.

Also:

S. 378. To provide that the Judicial Inquiry Commission's investigative and litigation costs shall be paid out of the funds appropriated annually to the court costs fund or funds; and to provide for repayment of any refunded or recaptured amounts to the court cost fund or general fund.

Also:

S. 602. To further amend Section 41-16-50, Code of Alabama 1975, as amended, relating to public contracts requiring competitive bidding, so as to include state trade schools, state junior colleges, state colleges or universities under the supervision or control of separate boards of trustees.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 23. To allow local school boards in Alabama to provide a minimum ten (10) clock hour hunter safety unit of instruction, developed by the Department of Conservation and Natural Resources in conjunction with the State Department of Education, as an elective for junior and/or senior high school students.

was taken up.

On motion of Senator Holmes further consideration of the Bill, H. B. 23, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 429. To create the Fortieth Judicial Circuit and provide for the circuit judgeship and district attorney thereof; to redesignate the Circuit

Judgeships in the Eighteenth Judicial Circuit after one judgeship for the Eighteenth Circuit is transferred and redesignated as the judgeship for the Fortieth Judicial Circuit; to create an additional judgeship for the Eighteenth Judicial Circuit to take effect in the future; to create an additional district judgeship to serve Shelby County; to amend Sections 12-11-2, 12-17-20 and 12-17-61, Code of Alabama 1975, relating to the composition of judicial circuits and the number of circuit and district judges; and to provide an effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Dial, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 429, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 429

A BILL TO BE ENTITLED AN ACT

To divide the Eighteenth Judicial Circuit into divisions, the Eastern Division to consist of Clay and Coosa Counties, and the Western Division to consist of Shelby County; to provide that one Circuit Judge shall reside in the Eastern Division, and two Circuit Judges shall reside in the Western Division; to provide that all three Circuit Judges will be elected within the Circuit at large; and to provide an effective date; to create an additional circuit judgeship for the Eighteenth Judicial Circuit to take effect in the future; to create an additional district judgeship to serve Shelby County; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The ~~Fortieth~~ Eighteenth Judicial Circuit shall be divided into two divisions. One division shall be the Eastern Division, consisting of Clay County and Coosa County. Another shall be the Western Division, consisting of Shelby County.

Section 2. Of the ~~three~~ Circuit Judges provided by law for the Eighteenth Judicial Circuit, Circuit Judge Place Number one shall be a resident of the Eastern Division, and all remaining Circuit Judges shall be residents of the Western Division. Each circuit judge must have resided in the Division in which he serves for at least twelve (12) months preceding his election or appointment, and must reside in such division during his term of office.

Section 3. All Circuit Judges, regardless of the division, shall continue to be elected by the qualified electors of the Circuit at large.

Section 4. ~~Subject to the directions of the Presiding Circuit Judge of the Circuit, the Circuit Judge of the Eastern Division shall preside over Circuit Court in the Eastern Division and the Circuit Judges of the Western Division shall preside over Circuit Court in the Western Division, however, nothing in this section shall be deemed to prevent the presiding Circuit Judge from assigning the Circuit Judge, in any division from presiding over Circuit Court cases in the other division.~~ Current case assignments shall be unaffected by the provisions of this Act.

Section 5. Of the three Circuit Judges holding office in the Eighteenth Judicial Circuit as of the effective date of this act, the Circuit Judge who currently resides in Clay County Place Number 1 shall become and continue to be the Circuit Judge of the Eastern Division and the two Circuit Judges who currently reside in Shelby County Place Number 2 and Place Number 3 shall become and continue to be the Circuit Judges of the Western Division. The terms of office of the Judges of the Eighteenth Judicial Circuit, holding office as of the effective date of this act, shall be unaffected by the passage of this act.

Section 6. There is hereby created in the Eighteenth Judicial Circuit, effective October 1, 1992 January, 1993, Circuit Judgeship Place No. 3 4, which shall be a Circuit Judge of the Western Division. Such Circuit Judge shall be elected in the same manner as are all other Circuit Judges, and shall be entitled to the same salary, salary supplements, expense allowance, office, clerical personnel, and other benefits as are provided for all other Circuit Judges in the Eighteenth Judicial Circuit. The office of Circuit Judge Place No. 4 hereby created shall be filled in the general election of 1992, and the person elected shall assume the office in January, 1993.

Section 7. (a) There is hereby created, effective January 14, 1991, and thereafter, the Office of District Judge for Shelby County Place No. 2. Such District Judge shall be elected in the same manner hereafter as are all other district Judges. The office of District Judge for Shelby County Place No. 2 hereby created shall be filled in the general election of 1990, and the person elected shall assume the office of January 14, 1991.

(b) The judge of the district judgeship place number two of Shelby County shall have and exercise all of the jurisdiction, powers, rights and authority and possess all the qualifications, perform all the duties, and be subject to the pains, obligations and penalties that other district judges may be subject to exercise and perform. The district judge place number two of Shelby County shall receive the same salary supplements, payable in the same manner as the district judge place number one for Shelby County.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid and unconstitutional, such declaration shall not affect the part which remains.

Section 9. Except where otherwise specifically provided herein, this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Mitchem
Amari	Corbett	Hale	Pruitt
Bailey	Covington	Hand	Rice
Barron	Denton	Hilliard	Smith (B)
Bedford	Dial	Holmes	Smith (J)
Bedsole	Dixon	Langford	Windom
Bennett	Ellis	Manley	

—26

Nays:

—0

BILLS ON THIRD READING RESUMED

Senator Barron requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

H. 709. To amend Section 5-21-4, Code of Alabama 1975, which provides for a linked deposit plan for making low interest loans for qualified borrowers, so as to remove certain percentage restrictions on available investment portfolio funds used for said loans.

And said Bill, H. B. 709, was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Amari	Corbett	Foshee	Mitchem	
Bailey	Covington	Hale	Parsons	
Barron	deGraffenried	Hand	Pruitt	
Bedford	Denton	Hilliard	Smith (B)	
Bedsole	Dixon	Holmes	Smith (J)	
Bennett	Drinkard	Langford	Windom	
Cabaniss				—28

Nays:

—0

THE BILL:

H. 330. To provide that any member of the Teacher's Retirement System who is employed as a teacher in the public schools of Alabama may purchase credit for such service regardless of the manner in which the member's salary was paid or the source of such funds; provided, however, that this provision shall not apply to any member who at the time of such claimed service was also a student at the institution by which he was employed.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 330, to-wit:

AMENDMENT TO H. B. 330

Amend House Bill 330 on Page 2, Line 11, after the word "to" delete the remainder of the sentence and insert in lieu thereof the following language:

"a percentage of his current annual earnable compensation for each year of purchased service; the applicable percentage shall be the sum of the prevailing rates of employer and member contributions as required by the most recent actuarial valuation."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Langford	
Amari	Campbell	Foshee	Manley	
Bailey	Corbett	Hale	Mitchem	
Barron	Covington	Hand	Smith (B)	
Bedford	Denton	Hilliard	Smith (J)	
Bedsole	Drinkard	Holmes	Windom	
Bennett	Ellis			—25

Nays:

—0

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And said Bill, H. B. 330, as thus amended, was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley
Amari	deGraffenried	Hale	Mitchem
Bailey	Denton	Hand	Parsons
Bedsole	Dixon	Hilliard	Preuitt
Bennett	Drinkard	Holmes	Rice
Campbell	Ellis	Horn	Smith (B)
Corbett	Figures	Langford	Windom

—27

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate.

S. 59. To amend Section 9-11-237, Code of Alabama 1975, as last amended, relating to the sale, barter, exchange, and purchase of game birds or animals or parts thereof, so as to permit the sale, purchase, barter or exchange for value, of certain untanned deer hides and hooves and certain finished product items.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 17. To provide for and permit the breeding of farm-raised alligators for certain commercial purposes; to provide for the regulation of, and to regulate, the breeding, exhibiting, selling, purchasing, shipping, or transporting of farm-raised alligators or the skins, carcasses or parts thereof, by the state department of conservation and natural resources; to provide for the licensing of alligator farmers, alligator parts dealers, and certain retailers and restaurants; to provide for the procedure for tagging of certain alligator skins, carcasses, meat or parts; to provide for certain property rights in certain alligators and parts thereof; to provide for the furnishing or retention or inspection of certain records or bills of sale, relating to the sale or purchase or shipment of certain such alligator skins or carcasses or parts; to provide for a severance tax upon the skins of certain alligators taken within this state; to prohibit the taking or possession of alligators or their eggs, skins, or parts except as provided herein; to provide for the voiding of said licenses under certain circumstances; to provide for the forfeiture and disposal of certain alligators, parts, and skins and the cancellation of alligator farmer licenses under certain circumstances; and to provide for penalties.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 870. To propose an amendment to the Constitution of Alabama to authorize the state to pay a portion of the capital costs of public facilities and works of internal improvement consisting of the deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the State Docks at the Port of Mobile; to authorize the state to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$20,000,000; and to authorize the state to establish a bond commission with the powers and resources necessary to issue the bonds authorized by this amendment to be issued by the state.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 159. To authorize the State Board of Health to inspect waters in which oysters are harvested and to close the oyster beds where the waters are declared unsafe for harvesting oysters for human consumption and to set a penalty for violations.

Also:

H. 297. To propose that any person or candidate involved in certain election contests is entitled to make an examination of the ballots cast, given, or rejected in the election and provides the procedures for examination of the ballots cast, given, or rejected.

Also:

H. 545. To create and establish the Alabama High School of Mathematics and Science; to provide for legislative intent; definitions; board of directors, membership, method of appointment, duties, powers, compensation and terms of office; to provide for programs and operation; to provide for extracurricular activities; to prescribe eligibility requirements and to provide for funding.

Also:

H. 458. Relating to the City of Birmingham, Jefferson County, Alabama; providing for the election of the members of the city board of education from single-member districts.

Also:

H. 170. To provide that out-of-court statements made by children under twelve years of age at the time of the proceeding concerning an act that is a material element of any crime involving child sexual abuse, as defined, not otherwise admissible are admissible in a criminal proceeding in certain circumstances; to specify those circumstances; and to define crimes involving child sexual abuse for purposes of this act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 311. To establish the Uniform Commercial Driver License Act, setting testing and licensing standards for operators and employers of commercial vehicles; to prescribe that certain minimum information be included on commercial driver licenses; to define groups of commercial vehicles; to provide for the cost of licenses, restrictions and endorsements for each such group; to exclude certain vehicles for personal or recreational purposes and certain testing for certain persons with certain skills and experience and to grandfather in certain persons; to prescribe the qualifications for applications and the manner of testing and licensing; to provide that no person shall be eligible to hold more than one driver license; to prescribe certain notification processes; to require employers to obtain and determine certain information about applicants and drivers; to provide for the issuance of permits; to authorize the director and department to issue, promulgate and enforce certain guidelines, conditions, standards, rules and regulations, pursuant to the provisions of this act and federal regulations; prescribing lifetime and temporary revocations and suspensions of license for certain felony violations involving

controlled substances and driving while under the influence with certain blood concentrations; to authorize the director and the department of public safety to enter into certain contracts or agreements to implement the provisions of this act and reciprocity with other states, provinces and territories, and to provide the conditions therefor; to provide for the full faith and credit of out-of-state convictions; to prescribe certain criminal penalties and punishment for certain violations, upon conviction, and to make such penalties and punishment cumulative to any and all other such provisions; and to specifically repeal laws conflicting with this act.

Also:

H. 876. To amend Sections 16-49-20, 16-49-26, 16-49-27 and 16-49-28 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University board of trustees so as to change the qualifications of a candidate for trustee; to redefine the time, frequency, and manner of convening; to reduce the number required for a quorum; and to provide for payment of expenses to ex officio members.

Also:

H. 485. To amend Sections 5-19-7 and 5-19-18, Code of Alabama 1975, relating to consumer finance, so as to provide that the provisions shall not apply to a consumer credit transaction that is repayable in a single payment.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill and House Joint Resolutions, your signature thereto is requested.

H. 365. To provide for the exemption of certain property from any and all ad valorem taxes.

Also:

H. J. R. 234. PROVIDING FOR A SPACE IN THE STATE CAPITOL FOR PLACEMENT OF PICTURES AND PLAQUES BY THE SENIOR CITIZENS HALL OF FAME COMMISSION.

Also:

H. J. R. 238. CREATING AN INTERIM COMMITTEE ON LOW INCOME HOUSING.

Also:

H. J. R. 372. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON ELECTION LAW REFORM.

Also:

H. J. R. 485. DESIGNATING A PORTION OF ALABAMA HIGHWAY 75 AS THE "BOB HALL DRIVE."

Also:

H. J. R. 566. PROHIBITING THE RETIREMENT SYSTEMS OF ALABAMA FROM AUDITING FOR COMPUTING BENEFITS CERTAIN YEARS OF PRIOR SERVICE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills and House Joint Resolutions, your signature thereto is requested.

H. 244. To provide for the reopening of the employees' retirement system for certain active members who had employment with the Alabama legislature prior to 1979.

Also:

H. 607. To amend Section 32-6-270, Code of Alabama 1975, which defines the term "fire fighter" for purposes of issuing distinctive license plates, so as to include retired fire fighters within said definition.

Also:

H. 1007. To amend Section 41-9-73, Code of Alabama 1975, as amended, so as to increase the annual appropriations to the Board of Adjustment for payment of claims and death benefits.

Also:

H. J. R. 669. COMMENDING MAJOR GENERAL JAMES W. CRYSEL ON HIS DISTINGUISHED MILITARY CAREER.

Also:

H. J. R. 670. COMMENDING GERALD DOUGLASS, HEAD BASKETBALL COACH OF SYLACAUGA HIGH SCHOOL.

Also:

H. J. R. 671. EXTENDING CONGRATULATIONS AND BEST WISHES TO DR. JOHN STEWART, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

S. J. R. 246. ESTABLISHING THE CONTINUING JOINT STUDY COMMITTEE ON THE BLIND AND HEARING IMPAIRED.

Also:

S. J. R. 274. NAMING THE CLAY COUNTY NURSING HOME IN MEMORY AND HONOR OF DR. C. P. HORN.

Also:

S. J. R. 278. COMMENDING PERRY HAND OF GULF SHORES ON HIS DISTINGUISHED LEGISLATIVE TENURE.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 91. To amend Section 36-7-21 of the Code of Alabama 1975, relating to allowances for persons traveling outside the state of Alabama, so as to permit the employing agency to elect to advance direct payments to third parties of travel and travel-related expenses for authorized travel out of state.

Also:

S. 127. To amend section 32-6-272, Code of Alabama 1975, relating to the issuance of license plates to fire fighters, so as to authorize the issuance of said plates at reduced cost to the recipient.

Also:

S. 202. To provide for uniform federal lien registration; to provide for the registration of federal tax liens and other liens; to provide for the place of filing; to provide for the duties of the filing officer; to provide for filing, indexing and other fees payable to the filing officer; to provide for severability of the provisions of this act; to provide for the repeal of Section 35-11-40 and Section 35-11-41, Code of Alabama 1975, relating to filing of notices of tax liens of the United States, and for the amendment or repeal of conflicting provisions of law; and to provide for an effective date.

Also:

S. 304. To provide for cost-of-living increases in the retirement benefits of retired employees of certain public hospitals and related facilities; to provide that the granting of such increases shall be at the option of the county commission of the county in which such hospital or facility existed and the cost thereof shall be paid by such county.

Also:

S. 394. To authorize municipalities to adopt a procedure for the issuance of a summons and complaint for violations of certain municipal ordinances, to provide for dispositions of such violations, and to establish additional penalties for offenders failing to appear in court.

Also:

S. 422. To amend Section 36-26-36 and Section 36-26-36.1 of the Code of Alabama 1975, as amended by Act No. 88-904 of the First Special Session of 1988, relating to sick leave for state employees, so as to provide further for the accumulation and use of such sick leave and to provide for certain retroactive effect.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 59. To amend Section 9-11-237, Code of Alabama 1975, as last amended, relating to the sale, barter, exchange, and purchase of game birds or animals or parts thereof, so as to permit the sale, purchase, barter or exchange for value, of certain untanned deer hides and hooves and certain finished product items.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 429. To divide the Eighteenth Judicial Circuit into divisions, the Eastern Division to consist of Clay and Coosa Counties, and the Western Division to consist of Shelby County; to provide that one Circuit Judge shall reside in the Eastern Division, and two Circuit Judges shall reside in the Western Division; to provide that all three Circuit Judges will be elected within the Circuit at large; and to provide an effective date; to create an additional circuit judgeship for the Eighteenth Judicial Circuit to take effect in the future; to create an additional district judgeship to serve Shelby County; and to provide an effective date.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 709. To amend Section 5-21-4, Code of Alabama 1975, which provides for a linked deposit plan for making low interest loans for qualified borrowers, so as to remove certain percentage restrictions on available investment portfolio funds used for said loans.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had

been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. B. 18	S. B. 189	S. B. 469
S. B. 36	S. B. 200	S. B. 595
S. B. 62	S. B. 215	S. B. 337
S. B. 87	S. B. 271	S. B. 485
S. B. 148	S. B. 284	S. B. 500

Delivered to the Governor May 11, 1989, at 12:05 P.M.

S. B. 83

Delivered to the Governor May 11, 1989, at 5:32 P.M.

S. B. 25	S. B. 598	S. B. 701
S. B. 484	S. B. 674	S. B. 702
S. B. 519	S. B. 690	S. B. 710
S. B. 544		

Delivered to the Governor May 11, 1989, at 8:47 P.M.

S. B. 321

Delivered to the Governor May 11, 1989, at 8:29 P.M.

S. J. R. 41	S. J. R. 244	S. J. R. 248
S. J. R. 222	S. J. R. 245	S. J. R. 252
S. J. R. 223	S. J. R. 263	S. J. R. 257
S. J. R. 225	S. J. R. 173	S. J. R. 259
S. J. R. 237	S. J. R. 224	S. J. R. 264
S. J. R. 240		

Delivered to the Governor May 11, 1989, at 10 P.M.

S. B. 638

Delivered to the Secretary of State May 11, 1989, at 11:55 P.M.

S. B. 7	S. B. 400	S. B. 311
S. B. 574	S. B. 136	S. B. 312
S. B. 79	S. B. 389	S. B. 378

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S. B. 273 S. B. 703 S. B. 602

S. B. 290 S. B. 201

Delivered to the Governor May 11, 1989, at 11:50 P.M.

S. J. R. 246 S. B. 127 S. B. 422

S. J. R. 274 S. B. 202 S. B. 59

S. J. R. 278 S. B. 304 S. B. 429

S. B. 91 S. B. 394

Delivered to the Governor May 11, 1989, at 11:59 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Twenty-Eighth and Twenty-Ninth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journals of the Senate for the Twenty-Eighth and Twenty-Ninth Legislative Days were approved by the Senate.

ADJOURNMENT

The hour of Midnight having arrived, in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

McDOWELL LEE,
Secretary of Senate.

ROSTER OF THE SENATE OF ALABAMA

1989

Jim Folsom, Jr., <i>Lieutenant Governor</i>	Alabama State House, Montgomery
Ryan deGraffenried, <i>President Pro-Tem</i>	Tuscaloosa
McDowell Lee, <i>Secretary</i>	Montgomery
John D. Crawford, <i>Assistant Secretary</i>	Montgomery
Mrs. William R. Lawley, Jr., <i>Chief Clerk</i>	Montgomery
District No. 1—Lauderdale, Colbert	
Bobby Denton	P.O. Box 987 Tuscumbia 35674
District No. 2—Madison, Limestone, Lauderdale	
Jim Smith	108-A South Side Square Huntsville 35801
District No. 3—Lawrence, Morgan	
Ray Campbell	Rt. 4, Box 43 Town Creek 35672
District No. 4—Cullman, Morgan, Madison	
Don Hale	409 6th St., S.W., Cullman 35055
District No. 5—Pickens, Tuscaloosa, Walker	
Charles Bishop	P.O. Box 2328, Jasper 35501
District No. 6—Franklin, Marion, Winston, Lamar, Fayette	
Roger H. Bedford	P.O. Box 669, Russellville 35653
District No. 7—Madison	
Bill G. Smith	2009-D Gallatin St., S.W. Huntsville 35801
District No. 8—Madison, Jackson, DeKalb	
Lowell R. Barron	P.O. Box 65, Fyffe 35971
District No. 9—Marshall, Blount, DeKalb	
Hinton Mitchem	P.O. Box 297, Albertville 35950
District No. 10—Etowah	
Bill Drinkard	105 Argyle Circle, Gadsden 35901
District No. 11—Elmore, Talladega, Coosa	
Jim Preuitt	P.O. Box 1063, Talladega 35160
District No. 12—Calhoun	
Donald G. Holmes	P.O. Box 3383 Oxford 36203
District No. 13—Chambers, Clay, Randolph, Cleburne, Cherokee, DeKalb	
Gerald Dial	P.O. Box 248, Lineville 36266
District No. 14—St. Clair, Shelby, Bibb	
Frank (Butch) Ellis, Jr.	P.O. Box 587 Columbiana 35051

- District No. 15—Jefferson
John E. Amari 9636 Parkway East, Birmingham 35215
- District No. 16—Jefferson
William J. Cabaniss, Jr. P.O. Box 19925
Birmingham 35219
- District No. 17—Jefferson
Mac Parsons 2027 2nd Ave., N., Birmingham 35203
- District No. 18—Jefferson
Fred Horn 333 16th Ave., S.W., Birmingham 35211
- District No. 19—Jefferson
Jim Bennett Suite 100, 130 Building
130 Vulcan Road, Birmingham 35209
- District No. 20—Jefferson
Earl F. Hilliard P.O. Box 11385, Birmingham 35202
- District No. 21—Hale, Tuscaloosa
Ryan deGraffenried, Jr. P.O. Box 2263
Tuscaloosa 35403
- District No. 22—Marengo, Clarke, Choctaw,
Washington, Monroe, Conecuh
Rick Manley P.O. Drawer U
Demopolis 36732
- District No. 23—Choctaw, Sumter, Greene, Perry,
Dallas, Wilcox, Lowndes
Henry (Hank) Sanders P.O. Box 1305, Selma 36702-1305
- District No. 24—Dallas, Autauga, Chilton, Bibb
Earl Goodwin P.O. Box 886, Selma 36701
- District No. 25—Montgomery
Larry Dixon P.O. Box 946, Montgomery 36102
- District No. 26—Montgomery, Elmore
Charles D. Langford 352 Dexter Ave.
Montgomery 36104
- District No. 27—Tallapoosa, Lee
John Rice P.O. Box 4008, Opelika 36803
- District No. 28—Macon, Bullock, Barbour, Russell
J. Danny Corbett Rt. 7, Box 821, Phenix City 36867
- District No. 29—Henry, Houston, Geneva
Chip Bailey P.O. Box 6791, Dothan 36302
- District No. 30—Butler, Crenshaw, Pike, Dale
J. Foy Covington, Jr. Rt. 2, Newville 36353
- District No. 31—Coffee, Covington, Escambia
E. (Crum) Foshee Alabama State House
Montgomery 36130
- District No. 32—Baldwin, Mobile
Perry A. Hand P.O. Box 478, Gulf Shores 36542

- District No. 33—Mobile
 - Michael Figures 2317 St. Stephens Rd.
Mobile 36617
- District No. 34—Mobile
 - Ann Bedsole P.O. Box 16642, Mobile 36616
- District No. 35—Mobile
 - Steve Windom P.O. Drawer 2025, Mobile 36652

**STANDING COMMITTEES
OF THE
ALABAMA STATE SENATE
1989**

BANKING AND INSURANCE

Drinkard, Chairperson; Cabaniss, Vice Chairperson; Amari, Bedford, Covington, deGraffenried, Dixon, Figures, Foshee, Goodwin, Smith (J).

RULES

Drinkard, Chairperson; Smith (J), Vice Chairperson; Barron, Bedford, Bishop, Dial, Figures, Foshee, Manley, Preuitt, Smith (B).

HEALTH

Smith (J), Chairperson; Preuitt, Vice Chairperson; Bailey, Bedsole, Dial, Dixon, Drinkard, Hale, Smith (B).

FINANCE AND TAXATION

Horn, Chairperson; Barron, Deputy Chairperson.

GENERAL FUND SUBCOMMITTEE

Hand, Vice Chairperson; Amari, Bedford, Cabaniss, Denton, Ellis, Figures, Goodwin, Manley, Preuitt, Smith (B).

EDUCATIONAL FUND SUBCOMMITTEE

Ellis, Vice Chairperson; Bennett, Bishop, Covington, deGraffenried, Dial, Smith (J), Hand, Hilliard, Rice, Sanders.

ECONOMIC AFFAIRS

Amari, Chairperson; Smith (B), Vice Chairperson; Bedford, Bennett, Campbell, Corbett, Holmes, Langford, Mitchem, Parsons, Sanders.

CONSUMER AFFAIRS SUBCOMMITTEE

Bedford, Chairperson; Holmes, Sanders.

INTERNATIONAL AND DOMESTIC TRADE SUBCOMMITTEE

Smith (B), Chairperson; Campbell, Amari.

JUDICIARY

Preuitt, Chairperson; Barron, Vice Chairperson; Bailey, Bedsole, Cabaniss, Dial, Dixon, Hale, Hand, Langford, Smith (J), Windom.

GOVERNMENTAL AFFAIRS

Manley, Chairperson; Bedford, Vice Chairperson; Bishop, Campbell, Corbett, Covington, Denton, Dixon, Ellis, Hale, Holmes, Langford, Mitchem, Parsons, Sanders.

MILITARY AFFAIRS SUBCOMMITTEE

Dixon, Chairperson; Hale, Holmes.

STUDENT AFFAIRS SUBCOMMITTEE

Bedford, Chairperson; Campbell, Sanders.

NATURAL RESOURCES

Bishop, Chairperson; Foshee, Vice Chairperson; Covington, Dial, Drinkard, Preuitt, Windom.

MINING AND RECLAMATION SUBCOMMITTEE

Bishop, Chairperson; Dial, Foshee.

OIL AND GAS SUBCOMMITTEE

Windom, Chairperson; Bishop, Drinkard.

WATERWAYS SUBCOMMITTEE

Preuitt, Chairperson; Covington, Dial.

AGRICULTURE, CONSERVATION, AND FORESTRY

Bedsole, Chairperson; Mitchem, Vice Chairperson; Bailey, Barron, Bishop, Campbell, Covington, Denton, Ellis, Hale, Hand, Holmes, Windom.

COASTAL WATERS CONSERVATION SUBCOMMITTEE

Windom, Chairperson; Bedsole, Hand.

FORESTRY, FISH, AND GAME SUBCOMMITTEE

Ellis, Chairperson; Holmes, Mitchem.

PUBLIC WELFARE

Rice, Chairperson; Amari, Vice Chairperson; Bennett, Corbett, Mitchem. COMMITTEE ON AGING SUBCOMMITTEE

Amari, Chairperson; Bennett, Rice.

EDUCATION

Bailey, Chairperson; Hand, Vice Chairperson; Barron, Bedsole, Bennett, Dial, Parsons, Preuitt, Rice, Smith (B), Windom.

BUSINESS AND LABOR RELATIONS

Foshee, Chairperson; Rice, Vice Chairperson; Barron, Cabaniss, Hand, Holmes, Langford, Mitchem, Preuitt.

COMMERCE, TRANSPORTATION, AND UTILITIES

Dial, Chairperson; Amari, Vice Chairperson; Campbell, Covington, Denton, Dixon, Ellis, Foshee, Hilliard.

STATE DEVELOPMENT AND TOURISM

deGraffenried, Chairperson; Goodwin, Vice Chairperson; Bishop, Foshee, Manley.

SMALL BUSINESS

Holmes, Chairperson; Denton, Vice Chairperson; Bedford, Corbett, Dixon, Hale, Langford.

LOCAL LEGISLATION NO. 1

Covington, Chairperson; Foshee, Vice Chairperson; Bedford, Bishop, Goodwin, Manley, Sanders.

LOCAL LEGISLATION NO. 2

Hilliard, Chairperson; Amari, Vice Chairperson; Bennett, Cabaniss, Horn, Parsons.

LOCAL LEGISLATION NO. 3

Figures, Chairperson; Windom, Vice Chairperson; Bedsole, Hand.

COMMITTEE ASSIGNMENTS FOR 1989
ALABAMA STATE SENATE

21st District

RYAN deGRAFFENRIED—Chairperson, State Development and Tourism; Banking and Insurance; Finance and Taxation (Educational Fund subcommittee).

15th District

JOHN AMARI—Chairperson, Economic Affairs (International and Domestic Trade subcommittee); Vice Chairperson, Public Welfare (Chairperson, Committee on Aging subcommittee); Vice Chairperson, Commerce, Transportation, and Utilities; Vice Chairperson, Local Legislation No. 2; Banking and Insurance; Finance and Taxation (General Fund subcommittee).

29th District

CHIP BAILEY—Chairperson, Education; Health; Judiciary; Agriculture, Conservation, and Forestry.

8th District

LOWELL BARRON—Deputy Chairperson, Finance and Taxation; Vice Chairperson, Judiciary; Rules; Agriculture, Conservation, and Forestry; Education; Business and Labor Relations.

6th District

ROGER BEDFORD—Vice Chairperson, Governmental Affairs (Chairperson, Student Affairs subcommittee); Economic Affairs (Chairperson, Consumer Affairs subcommittee); Banking and Insurance; Rules; Finance and Taxation (General Fund subcommittee); Small Business; Local Legislation No. 1.

34th District

ANN BEDSOLE—Chairperson, Agriculture, Conservation, and Forestry (Coastal Waters Conservation subcommittee); Health; Judiciary; Education; Local Legislation No. 3.

19th District

JIM BENNETT—Finance and Taxation (Educational Fund subcommittee); Economic Affairs; Public Welfare (Committee on Aging subcommittee); Education; Local Legislation No. 2.

5th District

CHARLES BISHOP—Chairperson, Natural Resources (Chairperson, Mining and Reclamation subcommittee) (Oil and Gas subcommittee); Rules; Finance and Taxation (Educational Fund subcommittee); Governmental Affairs; Agriculture, Conservation, and Forestry; State Development and Tourism; Local Legislation No. 1.

16th District

BILL CABANISS—Vice Chairperson, Banking and Insurance; Finance and Taxation (General Fund subcommittee); Judiciary; Business and Labor Relations; Local Legislation No. 2.

3rd District

RAY CAMPBELL—Economic Affairs (International and Domestic Trade subcommittee); Governmental Affairs (Student Affairs subcommittee); Agriculture, Conservation, and Forestry; Commerce, Transportation, and Utilities.

28th District

DANNY CORBETT—Economic Affairs; Governmental Affairs; Public Welfare; Small Business.

30th District

FOY COVINGTON—Chairperson, Local Legislation No. 1; Banking and Insurance; Finance and Taxation (Educational Fund subcommittee); Governmental Affairs; Natural Resources (Waterways subcommittee); Agriculture, Conservation, and Forestry; Commerce, Transportation, and Utilities.

1st District

BOBBY DENTON—Vice Chairperson, Small Business; Finance and Taxation (General Fund subcommittee); Governmental Affairs; Agriculture, Conservation, and Forestry; Commerce, Transportation, and Utilities.

13th District

GERALD DIAL—Chairperson, Commerce, Transportation, and Utilities; Rules; Health; Finance and Taxation (Educational Fund subcommittee); Judiciary; Natural Resources (Mining and Reclamation subcommittee) (Waterways subcommittee); Education.

25th District

LARRY DIXON—Banking and Insurance; Health; Judiciary; Governmental Affairs (Chairperson, Military Affairs subcommittee); Commerce, Transportation, and Utilities; Small Business.

10th District

BILL DRINKARD—Chairperson, Banking and Insurance; Chairperson, Rules; Health; Natural Resources (Oil and Gas subcommittee).

14th District

FRANK (BUTCH) ELLIS, JR.—Finance and Taxation (Vice Chairperson, Educational Fund subcommittee), (General Fund subcommittee); Governmental Affairs; Agriculture, Conservation, and Forestry (Chairperson, Forestry, Fish, and Game subcommittee); Commerce, Transportation, and Utilities.

33rd District

MICHAEL FIGURES—Chairperson, Local Legislation No. 3; Banking and Insurance; Rules; Finance and Taxation (General Fund subcommittee).

31st District

CRUM FOSHEE—Chairperson, Business and Labor Relations; Vice Chairperson, Natural Resources (Mining and Reclamation subcommittee); Vice Chairperson, Local Legislation No. 1; Banking and Insurance; Rules; Commerce, Transportation, and Utilities; State Development and Tourism.

24th District

EARL GOODWIN—Vice Chairperson, State Development and Tourism; Banking and Insurance; Finance and Taxation (General Fund subcommittee); Local Legislation No. 1.

4th District

DON HALE—Health; Judiciary; Governmental Affairs (Military Affairs subcommittee); Agriculture, Conservation, and Forestry; Small Business.

32nd District

PERRY HAND—Finance and Taxation (Vice Chairperson, General Fund subcommittee); Vice Chairperson, Education; Finance and Taxation (Educational Fund subcommittee); Judiciary; Agriculture, Conservation, and Forestry (Coastal Waters Conservation subcommittee); Business and Labor Relations; Local Legislation No. 3.

20th District

EARL HILLIARD—Chairperson, Local Legislation No. 2; Finance and Taxation (Educational Fund subcommittee); Commerce, Transportation, and Utilities.

12th District

DONALD HOLMES—Chairperson, Small Business; Economic Affairs (Consumer Affairs subcommittee); Governmental Affairs (Military Affairs subcommittee); Agriculture, Conservation, and Forestry (Forestry, Fish, and Game subcommittee); Business and Labor Relations.

18th District

FRED HORN—Chairperson, Finance and Taxation; Local Legislation No. 2.

26th District

CHARLES LANGFORD—Economic Affairs; Judiciary; Governmental Affairs; Business and Labor Relations; Small Business.

22nd District

RICK MANLEY—Chairperson, Governmental Affairs; Rules; Finance and Taxation (General Fund subcommittee); State Development and Tourism; Local Legislation No. 1.

9th District

HINTON MITCHEM—Vice Chairperson, Agriculture, Conservation, and Forestry (Forestry, Fish and Game subcommittee); Economic Affairs; Governmental Affairs; Public Welfare; Business and Labor Relations.

17th District

MAC PARSONS—Economic Affairs; Governmental Affairs; Education; Local Legislation No. 2.

11th District

JIM PREUITT—Chairperson, Judiciary; Vice Chairperson, Health; Rules; Finance and Taxation (General Fund subcommittee); Natural Resources (Chairperson, Waterways subcommittee); Education; Business and Labor Relations.

27th District

JOHN RICE—Chairperson, Public Welfare (Committee on Aging subcommittee); Vice Chairperson, Business and Labor Relations; Finance and Taxation (Educational Fund subcommittee); Education.

23rd District

HANK SANDERS—Finance and Taxation (Educational Fund subcommittee); Economic Affairs (Consumer Affairs subcommittee); Governmental Affairs; Local Legislation No. 1.

7th District

BILL SMITH—Vice Chairperson, Economic Affairs (Chairperson, International and Domestic Trade subcommittee); Rules; Health; Finance and Taxation (General Fund subcommittee); Education.

2nd District

JIM SMITH—Chairperson, Health; Vice Chairperson, Rules; Banking and Insurance; Finance and Taxation (Educational Fund subcommittee); Judiciary.

35th District

STEVE WINDOM—Vice Chairperson, Local Legislation No. 3; Judiciary; Natural Resources; Agriculture, Conservation, and Forestry; Education.

HOUSE OF REPRESENTATIVES

ALPHABETICAL ROSTER AND

DISTRICT NUMBER

Charles Adams, 83	Jimmy W. Holley, 91
John P. Beasley, 85	Alvin Holmes, 78
Greg Beers, 48	Perry O. Hooper, Jr., 73
Jack Biddle, III, 43	Ronald G. Johnson, 33
Lucius Black, Sr., 67	Roy W. Johnson, Jr., 63
A. J. Blake, 42	Yvonne Kennedy, 103
Harrell Blakeney, 66	Al Knight, 40
W. C. (Bill) Bowling, 12	Ken Kvalheim, 101
Michael E. Box, 96	Richard Laird, 37
Michael M. Breedlove, 65	Allen Layson, 15
Charlie Britnell, 18	Richard J. Lindsey, 39
Morris J. (Mo) Brooks, Jr., 10	Steve J. Logan, 17
Jenkins Bryant, Jr., 68	E. B. McClain, 57
June Bugg, 29	Bobbie G. McDowell, 56
Ralph Burke, 24	Bob McKee, 74
James E. Buskey, 99	Stephen A. McMillan, 95
John L. Buskey, 77	Beth Marietta, 104
Tom Butler, 6	Herman H. Marks, 8
James M. Campbell, 36	Nathan Mathis, 87
Joe R. Carothers, Jr., 86	Bryant Melton, 61
Tommy Carter, 5	Mike Mikell, 76
James S. Clark, 84	Gordon R. Moon, 25
William Clark, 98	Max Newman, 16
George Clay, 82	Charles Newton, 90
Tom Coburn, 2	Demetrius C. Newton, 53
John Colvin, 30	Paul Parker, 9
W. F. (Noopie) Cosby, Jr., 70	Arthur Payne, 44
Bobby C. Crow, 35	Walter E. Penry, Jr., 94
Johnny L. Curry, 50	George Perdue, 54
Patricia Davis, 58	Tony Petelos, 49
Ernest Dillard, 7	Phil Poole, 62
Tom Drake, 11	T. Euclid Rains, Sr., 26
Sundra E. Escott, 60	Ben T. Richardson, 23
Steve Flowers, 89	John W. Rogers, Jr., 52
Joe M. Ford, 28	Howard Sanderford, 20
Ed Frazier, 14	George G. Seibels, Jr., 47
Dewayne Freeman, 21	William M. Slaughter, 46
Bill Fuller, 38	Lewis G. Spratt, 59
Victor Gaston, 100	Nelson R. Starkey, Jr., 1
J. W. (Joe) Goodwin, 3	James L. Thomas, 69
Billy Gray, 45	J. E. Turner, 102
George W. Grayson, 19	Pete Turnham, 79
E. A. Grouby, Jr., 71	Jack B. Venable, 31
Albert Hall, 22	Claud Walker, 75
James Harold Hamilton, 4	James E. (Jimmy) Warren, 64
Seth Hammett, 92	Frank P. (Skippy) White, 93
Taylor F. Harper, 105	Gary White, 55
Bob Harvey, 27	Lester White, 81
Clarence E. Haynes, 32	R. Nolan Williams, 88
Lewis W. Headley, 72	Gerald Willis, 34
G. J. Higginbotham, 80	Jim Wright, 51
Michael E. Hill, 41	Mary S. Zoghby, 97
Thomas E. Hogan, 13	

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

1989

REGULAR SESSION

OFFICERS

JAMES S. CLARK, *Speaker*, Eufaula

JAMES M. CAMPBELL

Speaker Pro-Tem, Anniston

JOHN W. PEMBERTON, *Clerk*, Montgomery

GREG PAPPAS, *Assistant Clerk*, Montgomery

VANNAH W. NORRELL, *Chief Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Nelson R. Starkey, Jr.	301 North Pine St., Florence 35630
2	COLBERT	Tom Coburn	1107 East 3rd St., Tuscumbia 35674
3	COLBERT, LAUDERDALE	J. W. (Joe) Goodwin	310 Ford Road, Muscle Shoals 35661
4	LAUDERDALE, LIMESTONE	James Harold Hamilton	301 North Pine Street, Florence 35630
5	LIMESTONE	Tommy Carter	Route 2, Box 82, Elkmont 35620
6	MADISON	Tom Butler	1803 Forney Drive, Huntsville 35816
7	LAWRENCE, MORGAN	Ernest Dillard	Route 1, Box 216, Courtland 35618
8	MORGAN	Herman H. Marks	1704 Sandra Street, SW, Decatur 35601
9	MORGAN	Paul Parker	303 North Douglas Street, Hartselle 35640
10	MADISON	Morris J. (Mo) Brooks, Jr.	9009 Randall Road, Huntsville 35802
11	CULLMAN, MORGAN	Tom Drake	P.O. Box 1165, Cullman 35055

- 12 CULLMAN
W. C. (Bill) Bowling Route 2, Box 349, Hanceville 35077
- 13 WALKER
Thomas E. Hogan 300 12th Avenue, NE, Jasper 35501
- 14 TUSCALOOSA, WALKER
Ed Frazier N. 88, Hwy. 195, Jasper 35501
- 15 PICKENS, TUSCALOOSA
Allen Layson P.O. Box 910, Reform 35481
- 16 FAYETTE, LAMAR, MARION
Max Newman P.O. Box 428, Millport 35576
- 17 MARION, WINSTON
Steve J. Logan P.O. Box 576, Hamilton 35570
- 18 FRANKLIN, MARION
Charlie Britnell Route 2, Box 376, Russellville 35653
- 19 MADISON
George W. Grayson P.O. Box 38, Normal 35762
- 20 MADISON
Howard Sanderford 908 Tannahill Dr., S.E.,
Huntsville 35802
- 21 MADISON
Dewayne Freeman 114 East Becky Circle, Huntsville 35810
- 22 JACKSON, MADISON
Albert Hall P.O. Box 275, Gurley 35748
- 23 JACKSON
Ben T. Richardson P.O. Box 1017, Scottsboro 35768
- 24 DeKALB
Ralph Burke P.O. Box 876, Fort Payne 35967
- 25 MARSHALL
Gordon R. Moon P.O. Box 265, Guntersville 35976
- 26 DeKALB, MARSHALL
T. Euclid Rains, Sr. Route 1, Box 326, Albertville 35950
- 27 BLOUNT
Bob Harvey Route 4, Box 2215, Oneonta 35121
- 28 ETOWAH
Joe M. Ford Gadsden State Community College
P.O. Box 227, Gadsden 35999
- 29 ETOWAH
June Bugg 610 South 5th St., Gadsden 35901
- 30 ETOWAH, ST. CLAIR
John W. Colvin, Jr. P.O. Box 8205, Gadsden 35902
- 31 COOSA, ELMORE
Jack B. Venable P.O. Box 736, Tallassee 36078
- 32 TALLADEGA
Clarence E. Haynes P.O. Box 1041, Talladega 35160

- 33 TALLADEGA
Ronald G. Johnson Route 5, Box 17, Sylacauga 35150
- 34 CALHOUN
Gerald Willis Route 2, Box 286, Piedmont 36272
- 35 CALHOUN
Bobby C. Crow Route 10, Box 842, Anniston 36201
- 36 CALHOUN
James M. Campbell P.O. Box 2003, Anniston 36202
- 37 CHAMBERS, RANDOLPH, CLAY
Richard Laird 1507 Bonner, Roanoke 36274
- 38 CHAMBERS
Bill Fuller 118 South LaFayette St., LaFayette 36862
- 39 CHEROKEE, CLEBURNE, DeKALB
Richard J. Lindsey Route 2, Box 394, Centre 35960
- 40 BIBB, SHELBY
Al Knight 2421 Brook Run, Birmingham 35244
- 41 SHELBY
Michael E. Hill 301 Pitts Drive, Columbiana 35051
- 42 ST. CLAIR
A. J. Blake Route 1, Box 2109, Pell City 35125
- 43 JEFFERSON
Jack Biddle, III 2256 Pinehurst Drive, Gardendale 35071
- 44 JEFFERSON
Arthur Payne 2825 2nd Street, N.W., Birmingham 35215
- 45 JEFFERSON
Billy Gray 9229 Todd Dr., Suite 105, Birmingham 35206
- 46 JEFFERSON
William M. Slaughter 800 1st Nat'l. Southern Natural Bldg.
Birmingham 35203
- 47 JEFFERSON
George G. Seibels, Jr. 4016 10th Ave. S., Birmingham 35222
- 48 JEFFERSON
Greg Beers 1504 Verdure Circle, Birmingham 35226
- 49 JEFFERSON
Tony Petelos 1440 42nd Street W., Birmingham 35208
- 50 JEFFERSON
Johnny L. Curry 3264 Fieldale Drive, Hueytown 35023
- 51 JEFFERSON
Jim Wright P.O. Box 279, Adamsville 35005
- 52 JEFFERSON
John W. Rogers, Jr., 1424 18th St., S.W., Birmingham 35211
- 53 JEFFERSON
Demetrius C. Newton P.O. Box 2525, Birmingham 35202

- 54 JEFFERSON
George Perdue P.O. Box 2473, Birmingham 35201
- 55 JEFFERSON
Gary White 414 Yorkshire Dr., Homewood 35209
- 56 JEFFERSON
Bobbie G. McDowell 2322 Dartmouth Ave., Bessemer 35020
- 57 JEFFERSON
E. B. McClain 3826 Troy Terrace, Brighton 35020
- 58 JEFFERSON
Patricia Davis 9312 Sears Drive, Birmingham 35206
- 59 JEFFERSON
Lewis G. Spratt 3809 4th St., W., Birmingham 35207
- 60 JEFFERSON
Sundra E. Escott P.O. Box 8343, Birmingham 35218
- 61 TUSCALOOSA
Bryant Melton 5003 4th Avenue, Tuscaloosa 35405
- 62 TUSCALOOSA
Phil Poole P.O. Box 609, Moundville 35474
- 63 TUSCALOOSA
Roy W. Johnson, Jr. 4501 20th Street, NE, Tuscaloosa 35404
- 64 CONECUH, MONROE
James E. (Jimmy) Warren P.O. Box 207, Castleberry 36432
- 65 CLARKE, WASHINGTON
Michael M. Breedlove 119 Dogwood Dr., Jackson 36545
- 66 CHOCTAW, CLARKE, MARENGO
Harrell Blakeney 1101 Old Hwy. 5 So., Thomasville 36784
- 67 CHOCTAW, GREENE, SUMTER
Lucius Black, Sr. P.O. Box 284, York 36925
- 68 DALLAS, PERRY, HALE
Jenkins Bryant, Jr. Route 1, Box 482, Newbern 36765
- 69 DALLAS, LOWNDES, WILCOX
James L. Thomas 2713 Hwy. 14E, Selma 36701
- 70 DALLAS
W. F. (Noopie) Cosby, Jr. P.O. Box 683, Selma 36702
- 71 AUTAUGA, CHILTON
E. A. Grouby, Jr. P.O. Box 188, Prattville 36067
- 72 BIBB, CHILTON
Lewis W. Headley P.O. Box 1610, Clanton 35045
- 73 MONTGOMERY
Perry O. Hooper, Jr. 503 S. Court St., Suite 320
Montgomery 36104
- 74 MONTGOMERY
Bob McKee P.O. Box 424, Montgomery 36101

- 75 MONTGOMERY
Claud Walker P.O. Box M, Montgomery 36105
- 76 ELMORE, MONTGOMERY
Mike Mikell 3920 Chapman Rd., Millbrook 36054
- 77 MONTGOMERY
John Buskey P.O. Box 6216, Montgomery 36106
- 78 MONTGOMERY
Alvin Holmes P.O. Box 6064, Montgomery 36106
- 79 LEE
Pete Turnham Box 1592, Auburn 36830
- 80 LEE
G. J. Higginbotham P.O. Box 2545, Opelika 36803
- 81 TALLAPOOSA
Lester White 739 Freeman St., Dadeville 36853
- 82 BULLOCK, MACON
George H. Clay 1201 Lake Shore Dr., Tuskegee 36083
- 83 RUSSELL
Charles Adams P.O. Box 967, Phenix City 36867
- 84 BARBOUR, RUSSELL
James S. Clark P.O. Box 71, Eufaula 36027
- 85 HENRY, HOUSTON
John P. Beasley P.O. Drawer M, Columbia 36319
- 86 HOUSTON
Joe R. Carothers, Jr. Route 8, Box 33, Dothan 36301
- 87 GENEVA, HOUSTON
Nathan Mathis Route 1, Newton 36352
- 88 DALE
R. Nolan Williams Troy State University at Dothan
P.O. Box 6947, Dothan 36302
- 89 PIKE, DALE
Steve Flowers P.O. Box 973, Troy 36081
- 90 BUTLER, CRENSHAW
Charles Newton P.O. Box 246, Greenville 36037
- 91 COFFEE
Jimmy W. Holley Route 2, Box 254E, Elba 36323
- 92 COVINGTON
Seth Hammett P.O. Box 1607, Andalusia 36420
- 93 ESCAMBIA
Frank P. (Skippy) White Rt. 1, Box 427—Pollard
Flomaton 36441
- 94 BALDWIN
Walter E. Penry, Jr. Rt. 2, Box 286, Daphne 36526

- 95 BALDWIN
Stephen A. McMillan P.O. Box 337, Bay Minette 36507
- 96 MOBILE
Michael E. Box 155 South Warren St., Mobile 36602
- 97 MOBILE
Mary S. Zoghby 2862 Hilburn Dr., Mobile 36606
- 98 MOBILE
William Clark 711 Atmore Ave., Prichard 36612
- 99 MOBILE
James Buskey 2207 Barretts Lane, Mobile 36617
- 100 MOBILE
Victor Gaston 864 Parkwood Dr., West, Mobile 36608
- 101 MOBILE
Ken Kvalheim 421 Dogwood Dr., Mobile 36609
- 102 MOBILE
J. E. Turner P.O. Box 777, Citronelle 36522
- 103 MOBILE
Yvonne Kennedy 1205 Glennon Ave., Mobile 36603
- 104 MOBILE
Beth Marietta 557 Church St., Mobile 36602
- 105 MOBILE
Taylor F. Harper P.O. Box 229, Grand Bay 36541

STANDING COMMITTEES
HOUSE OF REPRESENTATIVES
OF ALABAMA 1989

AGRICULTURE, FORESTRY & NATURAL RESOURCES

Richardson, Chairperson; Lindsey, Vice Chairperson; Blakeney, Breedlove, Bryant, Hamilton, Logan, Mathis, Moon, Penry, Rains, Sanderford, Warren, White (F).

BANKING

Zoghby, Chairperson; Harvey, Vice Chairperson; Beasley, Cosby, Escott, Ford, Hammett, Headley, Hill, Logan, Marietta, Mikell, Newton (C), Petelos, Sanderford.

BUSINESS & LABOR

Laird, Chairperson; Willis, Vice Chairperson; Colvin, Fuller, Goodwin, Hogan, Hooper, Layson, McMillan, Melton, Mikell, Payne, Richardson, Venable, Walker.

COMMERCE & INDUSTRIAL DEVELOPMENT

Adams, Chairperson; Hooper, Vice Chairperson; Box, Brooks, Butler, Carter, Cosby, Curry, Frazier, Holley, Kennedy, Perdue, Poole, Starkey, Warren.

CONSTITUTION & ELECTIONS

Venable, Chairperson; Beers, Vice Chairperson; Bowling, Box, Curry, Dillard, Headley, Holley, Holmes, Marks, Mathis, Newton (C), Newton (D), Parker, Perdue.

EDUCATION

McMillan, Chairperson; Gray, Vice Chairperson; Bugg, Clark (W), Clay, Dillard, Grayson, Grouby, Hill, Johnson (RW), Jr., Knight, Penry, Poole, Turnham, Zoghby.

HEALTH

Carothers, Chairperson; Johnson (RG), Vice Chairperson; Beasley, Bidle, Butler, Flowers, Freeman, Hall, Haynes, Kvalheim, McClain, McDowell, Seibels, White (L).

HIGHWAY SAFETY

Britnell, Chairperson; Melton, Vice Chairperson; Bowling, Burke, Buskey (JL), Carothers, Coburn, Crow, Haynes, Headley, Hill, McDowell, Newton (D), Parker, Spratt.

INSURANCE

White (L), Chairperson; Flowers, Vice Chairperson; Buskey (JE), Frazier, Grouby, Hall, Haynes, Laird, Layson, Lindsey, McKee, Seibels, Spratt, Williams, Willis.

JUDICIARY

Higginbotham, Chairperson; Box, Vice Chairperson; Beasley, Blakeney, Breedlove, Campbell, Drake, Johnson (RG), Kvalheim, Laird, Marietta, Marks, Petelos, Slaughter, Thomas.

LOCAL GOVERNMENT

Moon, Chairperson; Warren, Vice Chairperson; Davis, Escott, Grayson, Hamilton, Higginbotham, Holley, Knight, Parker, Richardson, Seibels, Thomas, Turner, Wright.

LOCAL LEGISLATION NO. 1

Rains, Chairperson; Moon, Vice Chairperson; Black, Bryant, Carter, Clay, Flowers, Fuller, Hamilton, Laird, Melton, Starkey, White (F), White (L), Willis.

LOCAL LEGISLATION NO. 2

White (G), Chairperson; McDowell, Vice Chairperson; Beers, Biddle, Curry, Davis, Escott, Gray, McClain, Newton (D), Payne, Perdue, Petelos, Rogers, Seibels, Slaughter, Spratt, Wright.

LOCAL LEGISLATION NO. 3

Marietta, Chairperson; Clark (W), Vice Chairperson; Box, Buskey (JE), Gaston, Harper, Kennedy, Kvalheim, Turner, Zoghby.

LOCAL LEGISLATION NO. 4
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Hall, Chairperson; Freeman, Vice Chairperson; Brooks, Butler, Grayson, Sanderford.

LOCAL LEGISLATION NO. 4
(Montgomery)

Holmes, Chairperson, Walker, Vice Chairperson; Buskey (JL), Holmes, Hooper, McKee, Mikell.

MILITARY AFFAIRS

Ford, Chairperson; Starkey, Vice Chairperson; Biddle, Blake, Britnell, Bryant, Colvin, Crow, Grayson, Moon, Newton (D), Petelos, Slaughter, Venable.

OIL & GAS

Marietta, Chairperson; Johnson (RW) Jr., Vice Chairperson; Adams, Breedlove, Butler, Clark (W), Coburn, Hogan, Kvalheim, Layson, Newman, Penry, Rogers, Turner, White (F).

PUBLIC UTILITIES & TRANSPORTATION

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WAYS & MEANS

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 - HB 663, pages 580, 825, 1074, 1100, 1478, Act no. 89-348
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 - HB 660, pages 588, 825, 1075, 1103, 1478, Act no. 89-347
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 - HB 646, pages 588, 826, 1074, 1097, 1098, 1177, 1478, Act no. 89-342
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Highway department, contingency fund, repayment of transferred funds, regulated—

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Alabama state parking deck authority, established, issue bonds—
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Alabama supercomputer authority created, statewide computer and telecommunications network for public and private sector—
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County industrial development authorities, created, powers, issue bonds, exempt from laws—
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- Fiduciary investments and management, standard of care shall be a prudent person—
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- Financial institution, imprudent investments, assessment of damages to consider overall reasonable returns of trust—
SB 285, pages 139, 214
- Financial institutions, privilege taxes, municipalities authorized to levy—
HB 362, pages 2002, 2237
- Hazardous wastes, companies that eliminate waste being deposited at commercial site by means of a hazardous waste minimization program, entitled to a rebate—
SB 332, pages 190, 1527
- Hazardous wastes disposal, fee altered—
SB 648, page 1172
HB 985, pages 1426, 1523, 1637, 2025, 2223, 2226, 2255, Act no. 89-787
HB 989, pages 1426, 1523, 1637, 2025, 2223, 2228, 2255, Act no. 89-786
- Hazardous wastes treatment and disposal facilities, ban on additional commercial facilities, limit on deposits in existing—
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SB 330, pages 189, 1027
- Insurance companies, property and casualty mutual, procedure to convert to stock insurance company, regulated—
HB 1022, pages 1724, 1958, 2339, 2389, 2415, 2426, 2429, 2432
- Insurance department, commissioner to be elected position, compensation, rate-making procedure and processes—
SB 303, pages 142, 869, 1837, 1891, 1975, 1995, 1996, 2062, 2069
- Junk dealers, scrap metals, keep records, inspected by law enforcement officers—
SB 600, pages 966, 1027, 2160, 2193
- Landscape architects examining board, licensing and fees—
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- Molds, procedure for disposal of, established—
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- Municipalities, licensing of trade, business, professions, fee to issue license increased, penalty for operating without license increased—
SB 82, pages 78, 455
- Pawnbrokers and flea market operators, keep records, inspection by law enforcement officers—
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- Pesticides, registration fees, increased, special local need, authorized—
HB 74, pages 1779, 1958, 2173, 2243, Act no. 89-743
- Pesticides, users who violate state law, agriculture and industries department, levy civil penalties, hearing, appeal—
SB 34, pages 11, 452
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- Retailers, exempt from liability of sales tax where tax exempt numbers used illegally, users liable, revenue department to collect—
SB 411, pages 265, 1600
HB 116, pages 1778, 2021, 2142, 2173, Act no. 89-690
- “S corporations”, altered to conform to federal law—
HB 982, pages 2101, 2239, 2337, 2347, 2358, Act no. 89-837
- Solid wastes disposal sites, criteria municipalities and counties required to consider prior to approving—
SB 153, pages 91, 665
- Solid wastes facilities, moratorium on issuance of permits for construction or modification, environmental management department, to submit plan to legislature—
SB 52, pages 15, 545
SB 133, pages 87, 546
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HB 275, pages 1798, 2106, 2223, 2229, 2230, 2231, 2232, 2378, 2380, Act no. 89-824
- Tour buses, operating in interstate commerce, exempt from public service commission regulations—
SB 658, page 1349
- Unemployment compensation, rating system, tax structure altered, benefits increased—
HB 391, pages 635, 822, 856, 1112, 1414, 1552, Act no. 89-405
- Uniform certificate of title and antitheft act, term “component parts” deleted, certificate of title specifying “rebuilt” required—
SB 320, pages 187, 861
- Workmen’s compensation self-insurers guaranty association, established, composition, industrial relations department to regulate—
SB 326, pages 189, 238, 552, 827, 1393, 1883, 1920, 1940, Act no. 89-533
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- Alarm systems, board established, licensing of—
SB 51, pages 15, 547
- Bankruptcy estate, household goods exempt—
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- Chiropractors, applications for examinations, educational requirements altered—
SB 672, page 1352
- Cosmetology board, increase license fees and fines for violations, board membership and compensation increased—
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Fair business act, business, commerce and industry regulated to prevent consumer fraud and deceptive trade practices, felony and misdemeanor offenses defined—

SB 26, pages 10, 326, 493, 498, 1867, 2035

Fishing gear, commercial, license fees increased for use of—

SB 71, page 76

Forest products, records required on unmanufactured or semimanufactured—

SB 49, pages 14, 329, 1140

Hazardous waste, fee levied on disposal, CA—

SB 664, page 1351

Health care service plan corporations, subject to insurance code, furnish plans—

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SB 421, pages 333, 862, 1836, 1887

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State employees, benefits provided to establish, choice of compensation or nontax benefits—

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Created—

HB 706, pages 1789, 2106

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SB 292, pages 140, 449

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SB 272, pages 121, 449

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Established, to construct heating and cooling facilities for state capitol complex using forest products as energy source, issue bonds—

SB 572, page 792

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Counties, required to redraw election precincts, wards and voting districts according to U. S. bureau, reapportionment—

SB 321, pages 187, 237, 352, 396, 2395, 2402, 2457, Act no. 89-952

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SB 233, page 114

HB 193, pages 206, 664, 788, 1018, 1480, 1575, 1621, Act no. 89-449

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Uniform certificate of title and antitheft act, term “component parts” deleted, certificate of title specifying “rebuilt” required—

SB 320, pages 187, 861

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Charitable fraud, fund raising organizations required to register with secretary of state, fee and bond required, filing of financial report, civil remedies—

SB 515, pages 559, 863

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HB 405, pages 1518, 1630, 2337, 2343, 2358, Act no. 89-829

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CHILD ABUSE AND NEGLECT PREVENTION BOARD

Established to administer children's trust fund—

SB 187, pages 98, 153, 229, 456, 462, 2167, 2225, 2298, Act no. 89-656

CHILD ADVOCACY CENTER

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SB 178, page 95

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CHILD SEXUAL ABUSE VICTIM PROTECTION ACT

Child abuse cases, out-of-court statements admissible in court, evidence, criminal procedure—

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SB 134, page 87

Child abuse and neglect prevention board, established to administer children's trust fund—

SB 187, pages 98, 153, 229, 456, 462, 2167, 2225, 2298, Act no. 89-656

Child abuse cases, out-of-court statements admissible in court, evidence, criminal procedure—

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HB 170, pages 1367, 1524, 2338, 2359, 2387, 2427, 2451, Act no. 89-876

Child custody, visitation rights, support, venue with respect to petition to modify, enforce or interpret—

SB 583, pages 853, 1026, 1992, 1995

Child passenger restraints, required for children under six years of age—

SB 259, pages 118, 210, 229, 455, 460, 1945, 2036, 2073, Act no. 89-781

Dependents of blind parents, textbooks provided—

SB 611, pages 1021, 2106

HB 946, pages 1462, 1601, 2166, 2190, Act no. 89-708

Grandparents' rights, strengthened—

HB 787, pages 2000, 2104, 2337, 2350, 2359, 2359, 2387, 2400, Act no. 89-864

Human resources department, child support collections deposit to interest-bearing accounts—

SB 203, pages 101, 822

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Law enforcement protection act of 1989, arrest without warrant, civil immunity to arresting officer, domestic violence reporting requirements—

SB 507, pages 556, 862, 967, 1161

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Life preservers, wearing by children, required—

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SB 289, page 140

Support, income withholding, immediate implementation, authorized—

SB 224, pages 113, 325, 438, 592, 610, 2193, 2225, 2298, Act no. 89-660

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SB 98, page 81

CHILDREN'S AND WOMEN'S HOSPITAL OF MOBILE

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Health care insurance contracts, required to reimburse insured for services of—
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SB 595, pages 856, 1371, 1834, 2295, 2345, 2457, Act no. 89-808

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Teachers' retirement system, reopened for—

SB 357, pages 221, 823, 1838, 1930

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City and county housing authority boards, members immune from individual civil liability—

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SB 302, pages 142, 664, 1839, 1938, 1938, 1939, 1939, 1941, 1996, 2072, 2073

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State officers and employees, acting within scope of employment, cap on judgments—

SB 521, pages 560, 863

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CIVIL PROCEDURE

Abandoned vehicles, procedure for sale, hearings established—

SB 417, pages 333, 665, 1141

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Agreements to lend money, repayment or other modification, required to be in writing—

SB 73, pages 76, 107, 157, 158, 162, 232, 1614, 1625, 1724, Act no. 89-430

CIVIL PROCEDURE (Continued)

Bankruptcy estate, household goods exempt—

SB 410, pages 265, 547, 575, 879

Building inspectors, civil and criminal immunity—

HB 257, pages 1805, 2102

Charitable fraud, terms defined, fund raising organizations required to register with secretary of state, fee and filing bond required, filing of financial report, civil remedies—

SB 515, pages 559, 863

Child custody, visitation rights, support, venue with respect to petition to modify, enforce or interpret—

SB 583, pages 853, 1026, 1992, 1995

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District court, small claims actions, jurisdiction amount increased—

SB 415, pages 266, 547, 575, 879, 1838, 1932

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Education for handicapped children, impartial due process hearing of officers, power to issue subpoenas to witnesses—

SB 331, pages 189, 543

Fair business act, business, commerce and industry regulated to prevent consumer fraud and deceptive trade practices, felony and misdemeanor offenses defined—

SB 26, pages 10, 326, 493, 498, 1867, 2035

Farm crisis and transition program, employees immune from civil liability, information deemed confidential, penalties—

SB 302, pages 142, 664, 1839, 1938, 1938, 1939, 1939, 1941, 1996, 2072, 2073

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Fiduciary investments and management, standard of care shall be a prudent person—

SB 284, pages 139, 213, 1580, 1581, 1598, 2295, 2345, 2457, Act no. 89-813

Financial institution, imprudent investments, assessment of damages to consider overall reasonable returns of trust—

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Fraudulent transfer act, established, debtor insolvency, transfers to creditors regulated—

SB 61, pages 74, 450, 495, 675, 1057, 1414, 1745, 2037, 2073, Act no. 89-793

Housing, selling, purchasing, financing of, discrimination prohibited, penalties—

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Law enforcement protection act of 1989, arrest without warrant, civil immunity to arresting officer, domestic violence reporting requirements—

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Lease memorandum, sufficient for recordation in lieu of lease if condition and information provided, including legal description and survey—
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Materialmen and labor, civil actions in **tort** and contract, statute of limitations, relief barred after seven years after substantial completion of real property—

SB 346, pages 192, 541

Municipalities and towns, seek reimbursement for extinguishing fires and toxic clean-up services from persons and firms—

SB 496, page 536

Nonprofit corporations, officers appointed by mayors, immune from civil liabilities—

SB 424, pages 334, 860

HB 259, pages 1367, 2014

Pesticide users, who violate state law, agriculture and industries department, levy civil penalties, hearing, appeal—

SB 34, pages 11, 452

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Prisoners' disciplinary actions, limit judicial review, provide for a certiorari review in lieu of habeus corpus—

SB 89, pages 79, 451

Service of process, procedure altered—

SB 348, pages 193, 543, 829, 1033, 1408, 1409, 1427

State officers and employees, acting within scope of employment, cap on judgments—

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Uniform federal lien registration, established, filed with judge of probate or secretary of state—

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Woodland fire condemnation act, established, procedure to confiscate vehicles and equipment used in maliciously setting forest fires—

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Worthless checks, service charge increased to \$15.00—

SB 469, pages 425, 547, 575, 880, 1398, 2297, 2345, 2457, Act no. 89-807

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Appropriation, must be spent, exception in cases of proration of education budget—

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Created, smoking prohibited in public places—

SB 221, pages 112, 858

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Companies purchasing out-of-state or foreign, utility rates altered—

SB 408, pages 265, 672

Tax, termination of—

SB 499, pages 537, 1629

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SB 183, page 95

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Section 1-3-8, holidays, removing designated, observe national memorial day, Mobile and Baldwin counties observe mardi gras—

SB 391, pages 228, 820, 1838, 1927, 1928

HB 731, pages 1365, 1603, 1927, 1992, Act no. 89-789

Sections 2-7-20, 2-7-23, 2-7-28, 2-7-29, and 2-7-31, Agricultural fairs, awards and state funds, distribution—

SB 388, pages 227, 453, 493, 514, 528, 1613, 1619, 1724, Act no. 89-423

Section 2-27-9, pesticides registration fees, increased, special local need—

HB 74, pages 1779, 1958, 2173, 2243, Act no. 89-743

Section 2-27-11, pesticides, issuance of restricted use permits, delete requirement of listing on permit—

SB 72, pages 76, 211, 494, 527, 2168, 2225, 2298, Act no. 89-653

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Sections 4-2-9, 4-3-45, and 4-3-47, airport authorities, governor appoints board of trustees for state projects, powers expanded—

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Section 4-3-47, airport authorities, exercise of police jurisdiction, crimes on property vested in municipal court—

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Sections 4-6-1, 4-6-2, 4-6-3, 4-6-4, 4-6-5, 4-6-6, 4-6-7, and 4-6-8, airport zoning, expanded to include compatible land use considerations—

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- Section 5-11A-12, trust company or other financial institution with trust powers, purchase bonds or other securities underwritten by financial institution, syndicate or affiliate—
SB 67, pages 75, 108, 162, 163, 1847, 1919, 1940, Act no. 89-520
- Sections 5-17-8 and 5-17-18, credit unions, can be made to cease and desist activities, interest and charges, criminal penalties—
SB 275, pages 121, 213, 267, 486, 489, 490, 523
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- Sections 5-19-7 and 5-19-18, consumer loans, refinancing of—
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- Section 5-19-19, consumer loans, excess finance charges, recovery of, altered—
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- Section 5-19-31, consumer finance, existing law, clarified and confirmed—
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- Section 5-21-4, linked deposit loan program, loan restrictions removed—
SB 550, pages 630, 1022
HB 709, pages 1800, 1957, 2448, 2456, Act no. 89-882
- Sections 6-6-332 and 35-9-82, service of process, procedure altered—
SB 348, pages 193, 543, 829, 1033, 1408, 1409, 1429
- Section 6-10-11, bankruptcy estate, household goods exempt—
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- Section 7-4-104, "banking day," Saturday excluded—
SB 214, pages 111, 212, 391, 549, 601, 626, 1628, 1632, 1725, Act no. 89-431
- Section 7-9-307, livestock, removed from filing requirement of farm products control index—
SB 395, pages 228, 390
- Section 8-6-11, securities act, exemptions—
SB 527, pages 561, 673, 933, 1113, 1417
- Section 8-8-14, loans, interest surcharge, increased—
SB 141, pages 89, 108, 163, 1765, 1855, 1940, Act no. 89-421
- Section 8-8-15, worthless checks, charges altered—
SB 401, pages 264, 1031, 1990, 2035
- Section 8-9-2, agreements to lend money, repayment or other modification, required to be in writing—
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- Sections 8-19-3, 8-19-5, 8-19-6, 8-19-8, and 8-19-12, deceptive trade practices act, odometer tampering, promotional giveaways, credit repair services, debt adjustment services—
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- Section 9-11-32, hunting and fishing licenses, license year changed from August 1 to July 31—
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- Sections 9-11-49.2 and 9-11-65, hunting and/or fishing lifetime licenses, fee increased—
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- Section 9-11-56.1, fishing licenses, non-resident commercial, sale of—
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- Section 9-11-143, fishing gear, commercial, license fees increased for use of—
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- Section 9-11-237, deer hides and hooves, untanned, and finished products allowed for sale, barter and purchase—
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- Section 9-11-246, deer and turkey, penalties for violation of game laws—
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- Section 9-12-115, seafood dealers, monthly report forms for conservation and natural resources department—
SB 354, pages 194, 329, 494
- Section 9-12-116, fisheries, commercial, inspection by department of natural resources—
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- Section 9-12-123, fishing, gill net license fee, decreased—
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- Section 9-13-63, forest products, records required on unmanufactured or semimanufactured—
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- Section 9-14-27, state parks concession contracts, length of, increased—
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- Sections 9-17-1 and 9-17-33, oil and gas, interest on industrial revenues, semiannual balancing periods—
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- Section 9-17-3, oil and gas board members, expense allowance—
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- Section 9-17-13, oil and gas, pooling of oil and gas wells—
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- Section 9-17-33, oil and gas, undistributed revenue from production, floating interest rate, attorneys fees—
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- Sections 9-17-100, 9-17-101, 9-17-102, 9-17-104, 9-17-105, 9-17-106, 9-17-107, 9-17-108, and 9-17-109, liquefied petroleum gas board and liquefied petroleum gas, regulated—
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- Section 10-11-2, nonprofit corporations, officers appointed by mayors, immune from civil liabilities—
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- Sections 11-3-1 and 36-3-4, county commissioners, terms of office, begin on seventh day after election—
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- Section 11-18-3, municipality located on island, land acquisition for public use, additional board of trustees appointed—
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- Section 11-41-1, municipality, procedures for incorporation—
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- Section 11-42-100.1, municipalities, consolidation of contiguous, petition procedure, altered—
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- Section 11-45-2, towns and cities of less than 12,000 population, final passage of ordinances and resolutions of permanent operation—
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- Section 11-47-14.1, class 1 municipalities, regulate power of port authority to issue bonds—
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- Section 11-49-40, railroads, construction and maintenance of bridges, tunnels and viaducts, designed or engineered by highway department—
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- Section 11-50-1.1, public corporations of entities, prohibited from duplicating or acquiring services of waterworks systems—
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- Section 11-50-411, gas districts, method of computing net income and distribution, altered—
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- Sections 11-51-201, 11-51-203, 40-12-4, 40-23-101, 40-23-102, 40-23-104, 40-23-107, and 40-29-115, tax collectors, collection of municipal and county sales tax on automotive vehicles—
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- Section 11-52-80, municipal zoning boards, compensation of members—
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- Section 11-81-21, county and municipal funds, investment of, broadened—
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- Section 11-88-6, water, sewer and fire protection authorities, board of directors, compensation increased—
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Vital statistics, bureau of, send death reports to board of registrars to purge voting lists—

SB 677, pages 1470, 1604, 1837, 1915

HB 360, page 1369

Vital statistics, bureau of, send list of previously dead to boards of registrars to purge names from voting lists—

SB 679, pages 1471, 1604, 1916

HB 1052, pages 2098, 2240

Voter registration, statewide file maintenance system to assist local boards of registrars—

SB 21, pages 9, 148, 1139, 1142, 1145, 1507, 1565, 2186, 2223, 2298, Act no. 89-649

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SB 271, pages 121, 328, 404, 549, 606, 626, 2297, 2344, 2457, Act no. 89-814

Electric generating plants, may acquire—
SB 216, pages 111, 327, 353, 405, 2145, 2264, 2298, Act no. 89-658
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Rural, boards of trustees, may set debt limit and mortgage property—
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Utilities, prohibited from discontinuing service during hazardous seasons—
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SB 157, page 92
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Communications districts, created—
SB 94, pages 80, 109, 165
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Code, revised—
SB 64, pages 75, 450, 487, 673, 1002

Political subdivisions or other entities, to comply with the federal uniform relocation assistance and real property acquisition policies act of 1970—
SB 104, pages 82, 148, 495, 555, 1883, 1920, 1940, Act no. 89-522
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County, city and town employees covered under—
SB 485, pages 472, 1025, 1595, 1612, 2313, 2346, 2457
SB 504, page 538
SB 505, page 538
HB 566, pages 1796, 1957

ENERGY STAMP VOUCHER PROGRAM

Established to supplement the federal low income home energy assistance program, economic and community affairs department to administer—

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Civil actions in tort and contract, statute of limitations against architects, builders and, relief barred after seven years—

SB 347, pages 192, 542

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SB 548, pages 630, 1025

HB 401, pages 1780, 1958, 2163, 2189, Act no. 89-461

ENTERPRISE ZONES

Number authorized, increased—

SB 217, pages 112, 449, 520, 521, 2181, 2224, 2298, Act no. 89-659

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Asbestos contractors accreditation plan, established, in compliance with federal toxic substances control act—

SB 9, pages 7, 238, 353, 403, 1888, 1919, 1940, Act no. 89-517

Hazardous waste, fees for disposal increased, paid by users of disposal facilities—

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HB 989, pages 1426, 1523, 1637, 2025, 2223, 2228, 2255, Act no. 89-786

Hazardous waste, out-of-state, additional fee levied—

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Hazardous wastes, companies that eliminate waste being deposited at commercial site by means of a hazardous waste ministrations program, entitled to a rebate—

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Hazardous wastes treatment and disposal facilities, ban on additional commercial facilities, limit on deposits in existing—

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Municipalities and towns, seek reimbursement for extinguishing fires and toxic clean-up services from persons and firms—

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Offshore oil and gas drilling, disposal of drilling mud and cuttings in gulf, prohibited, tax credit granted for onshore disposal—

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Oysters, state board of health to inspect waters and close oyster beds where unsafe—

HB 159, pages 1783, 1959, 2339, 2421, 2450, Act no. 89-875

Pesticide users, who violate state law, agriculture and industries department, levy civil penalties, hearing, appeal—

SB 34, pages 11, 452

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Pesticides registration fees, increased, special local need, authorized—

HB 74, pages 1779, 1958, 2173, 2243, Act no. 89-743

Solid waste collection and disposal by counties and municipalities, methods, implement mandatory public participation—

SB 81, pages 78, 545

HB 264, pages 1368, 1528, 1837, 1920, 1991, Act no. 89-630

Solid wastes disposal sites, criteria municipalities and counties required to consider prior to approving—

SB 153, pages 91, 665

Solid wastes facilities, moratorium on issuance of permits for construction or modification, environmental management department, to submit plan to legislature—

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Southern environmental enforcement network, positions of director and assistant director, created—

SB 493, pages 536, 667, 1008, 1161, 1854

Woodland fire condemnation act, established, procedure to confiscate vehicles and equipment used in maliciously setting forest fires—

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SB 525, pages 561, 826, 882, 958, 958, 985, 1166, 1177, 1940, Act no. 89-369

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SB 455, pages 423, 540, 881, 937, 938, 984, 1163, 1175, 1940, Act no. 89-357

Director of, required to prepare solid waste management plan and submit to legislature by fifth legislative day, moratorium on permits for 24 months—

SB 52, pages 15, 545

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Hazardous waste, inspection of out-of-state by, CA—

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Hazardous wastes treatment and disposal facilities, ban on additional commercial facilities, limit on deposits in existing—

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Fiduciary investments and management, standard of care shall be a prudent person—

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SB 657, page 1349

Firemen exempt—

SB 355, pages 221, 665, 2205, 2212, 2216, 2218

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SB 10, pages 7, 542, 937, 1112

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Fiduciary investments and management, standard of care shall be a prudent person—

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Children, custody, visitation rights, support, venue with respect to petition to modify, enforce or interpret—
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Grandparents' rights, strengthened—
HB 787, pages 2000, 2104, 2337, 2350, 2359, 2359, 2387, 2400, Act no. 89-864

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SB 507, pages 556, 862, 967, 1161
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Employees, immune from civil liability, information deemed confidential, penalties—
SB 302, pages 142, 664, 1839, 1938, 1938, 1939, 1939, 1941, 1996, 2072, 2073
HB 451, pages 1777, 1959

FARM PRODUCTS

Livestock, removed from filing requirement of farm products control index—
SB 395, pages 228, 390

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Linked deposit loan program, loan restrictions removed—
SB 550, pages 630, 1022
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Federal housing project, tax exemptions granted—

HB 365, pages 1804, 2020, 2340, 2436, 2452, Act no. 89-914

Uniform federal lien registration, established, filed with judge of probate or secretary of state—

SB 99, pages 81, 110

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Political subdivisions or other entities, to comply with real property acquisition policies act of 1970, and—

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Arrest, levied by public safety department, increased—

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Credit unions, can be made to cease and desist activities, interest and charges, criminal penalties—

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Fishing gear, commercial, license fees increased for use of—

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Hazardous waste, out-of-state, additional fee levied—

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Motor vehicles, self-propelled campers and house cars defined, taxes and fees for recreational vehicles—

SB 200, pages 101, 452, 494, 518, 2296, 2344, 2457, Act no. 89-946

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Vehicle inspection fees, appropriation to operate and maintain state vehicle inspection program—

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Public officers, vacating of office upon conviction, not sentencing—

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HB 663, pages 580, 825, 1074, 1100, 1478, Act no. 89-348

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Accounts of, transfer between banks—

SB 114, pages 83, 108, 160, 161, 1886, 1920, 1940, Act no. 89-539
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Financial institution, imprudent investments, assessment of damages to consider overall reasonable returns of trust—

SB 285, pages 139, 214

Investments and management of, standard of care shall be a prudent person—

SB 284, pages 139, 213, 1580, 1581, 1598, 2295, 2345, 2457, Act no. 89-813

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Communications bureau, established within data systems management division of—

SB 498, pages 537, 1602

Contracts let by competitive bid, minimum amount changed from \$2,000.00 to \$5,000.00—

SB 15, pages 8, 824, 1141

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Purchasing and stores division, name changed to division of purchasing—

SB 201, pages 101, 151, 353, 402, 430, 2434, 2444, 2458, Act no. 89-947

Risk management division created in, to coordinate state insurance coverage, policies subject to bid law—

SB 483, pages 472, 661

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Youth care authority, established, as public corporation, officers, contract with youth services board, legislative oversight committee, expense allowance—

SB 143, page 89

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Annuity pension fund for, established—

SB 343, page 192

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SB 355, pages 221, 665, 2205, 2212, 2216, 2218

License plates, distinctive, issued at reduced cost—

SB 127, pages 86, 485, 549, 827, 1067, 1068, 2440, 2454, 2458, Act no. 89-944

License plates, for retired volunteer, issued—

SB 427, pages 334, 665, 967, 1161, 1851

HB 607, pages 1797, 2021, 2340, 2441, 2453, Act no. 89-917

Peace officers and fire fighters, death benefits, increased—

HB 333, pages 1938, 2021, 2339, 2405, 2432, Act no. 89-919

FIRE FIGHTERS ANNUITY PENSION FUND

Established—

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Fire departments, local, appropriations—

HB 660, pages 588, 825, 1075, 1103, 1478, Act no. 89-347

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SB 127, pages 86, 485, 549, 827, 1067, 1068, 2440, 2454, 2458, Act no. 89-944

Forestry and fire protection, funding, CA—

SB 32, pages 11, 109, 1425, 1426, 1427, 1428, 1491, 1492, 2168, 2227, 2298, Act no. 89-459

Forests, assessment for forest fire protection and prevention, penalties—

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Hospitals, required to notify pre-hospital agencies if patient delivered has infectious disease—

SB 344, pages 192, 859

Municipalities and towns, seek reimbursement for extinguishing fires and toxic clean-up services from persons and firms—

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Water and fire protection authority of a county, take-over by municipal water and sewer board, regulated—

HB 543, pages 1352, 1629, 2061, 2112, Act no. 89-790

Water, sewer and fire protection authorities, board of directors, compensation increased—

SB 539, page 628

Water, sewer and fire protection districts, established to act as suppliers or wholesalers of water and sanitary sewer services—

SB 538, pages 628, 864, 1833

HB 342, pages 1364, 2016, 2128, 2195, 2244, Act no. 89-745

Woodland fire condemnation act, established, procedure to confiscate vehicles and equipment used in maliciously setting forest fires—

SB 33, pages 11, 542

HB 307, pages 1794, 1959

FIREARMS

Drug felony offenders, prohibited from owning or possessing—

SB 307, pages 143, 452, 518, 675, 1057

Drug weapons forfeiture act of 1989, controlled substances, seizure or forfeiture of—

SB 294, pages 141, 451

Weapons, possession on public school property or school transportation, constitutes a misdemeanor, penalties—

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FISCAL YEAR

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Pawnbrokers and operators of, keep records, inspection by law enforcement officers—
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Capitol district heating and cooling authority, established, to construct heating and cooling facilities for state capitol complex using forest products as energy source, issue bonds—
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Alabama development office, historical commission, economic and community affairs department, agriculture and industries department, tourism and travel, appropriation reduced—
HB 642, pages 577, 826, 1074, 1083, 1181, 1468, 1479, Act no. 89-352

Competitive bids, not required for parts and labor for repairing or rebuilding fire control equipment by—
SB 447, pages 421, 1371

Woodland fire condemnation act, established, procedure to confiscate vehicles and equipment used in maliciously setting forest fires—
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FORESTS

Auxiliary state, abolished—
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Forest lands, assessment on, for forest fire protection and prevention—
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Forest products, records required on unmanufactured or semimanufactured—

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Forestry and fire protection, funding, CA—

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Woodland fire condemnation act, established, procedure to confiscate vehicles and equipment used in maliciously setting forest fires—

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SB 158, page 92

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FRAUDULENT TRANSFER ACT

Established, debtor insolvency, transfer to creditors regulated—

SB 61, pages 74, 450, 495, 675, 1057, 1414, 1745, 2037, 2073, Act no. 89-793

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Card game vending machines, taxes imposed—

SB 106, pages 82, 547, 829, 1033, 1407, 1408, 1483

GAME AND FISH

Commercial shrimpers, property, equipment, gear, vessels of every kind exempt from ad valorem tax—

SB 536, page 563

HB 589, pages 2214, 2238

Deer and turkey, penalties for violation of game laws—

SB 297, pages 141, 329, 494, 564, 880, 1396, 1397, 1769, 1856, 1940, Act no. 89-534

Deer hides and hooves, sale of, authorized—

SB 59, pages 74, 108, 164, 353, 409, 430, 2449, 2455, 2458, Act no. 89-941

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Fisheries, commercial, inspection by department of natural resources—

SB 68, pages 76, 329, 407, 549, 608

Fishing gear, commercial, license fees increased for use of—

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Fishing, gill net license fee, decreased—

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Fishing licenses, non-resident commercial, sale of—
SB 63, pages 75, 329

Free fishing day, established—
SB 36, pages 12, 108, 494, 531, 532, 2296, 2344, 2457, Act no. 89-810

Hunter education course, required for person under sixteen years of age to receive license—
SB 488, pages 473, 864, 1140, 2174, 2175, 2193, 2212

Hunter safety course, junior high school students, elective for, local school boards, required to offer, education department and conservation department to administer—
HB 23, pages 1802, 2106, 2340, 2445

Hunting and fishing licenses, annual, license year specified—
SB 97, pages 81, 329, 406, 549, 607, 608
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Hunting and fishing lifetime licenses, fee increased—
SB 69, pages 76, 109, 353, 407, 1279, 1329, 1332, Act no. 89-300

Hunting, when license has been suspended or revoked, prohibited, penalties—
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Law enforcement officers, retired or disabled, entitled to free driver's, hunting and fishing licenses—
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License fee, recreational gill net fishing, established for age 65 and older at discount—
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Oyster beds, board of health to inspect waters and close beds where unsafe—
HB 159, pages 1783, 1959, 2339, 2421, 2450, Act no. 89-875

Shrimp trawls, commercial, oversized, penalties—
SB 70, pages 76, 329, 407, 549, 608, 609

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Method of computing net income and distribution for, altered—
SB 573, pages 792, 1027
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SB 161, page 92
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Contingency fund, established—
HB 805, pages 1457, 1525, 1754, 1759, 1834, 1850, Act no. 89-353

Security guards, exempt from minimum standards—
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Tuskegee university, state-related university, entitlements, governor to appoint one-fourth of the board of trustees—
SB 694, page 1559

War on drugs dividend program and war on drugs commission, established, incentives and rewards, duties, powers of commission and, appropriation—
SB 208, pages 102, 543, 597, 880, 1399

Youth care authority, established, as public corporation, officers, contract with youth services board, legislative oversight committee, expense allowance—
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Visitation rights, strengthened—
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Education department, handicapped services, appropriation—
SB 232, page 114
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Handicapped parking, municipalities, increased fines for violations—
SB 470, pages 425, 665, 941, 1114, 1845

Law enforcement officers, retired or disabled, entitled to free driver's, hunting and fishing licenses—
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License plates, for temporarily handicapped persons, issued—
SB 564, pages 633, 1027
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Companies that eliminate waste being deposited at commercial site by means of a hazardous waste minimization program, entitled to a rebate—
SB 332, pages 190, 1527

Facilities for, prohibited from treating wastes from states not complying with federal environmental laws—
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HB 755, pages 1798, 2018, 2223, 2228, 2255, Act no. 89-788

Fee levied on disposal, CA—
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HAZARDOUS WASTE (Continued)

Generated outside state, fees for disposal increased, paid by users of disposal facilities—

SB 648, page 1172

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SB 673, pages 1352, 1528, 1545, 2105

Municipalities and towns, seek reimbursement for extinguishing fires and toxic clean-up services from persons and firms—

SB 496, page 536

Out-of-state, additional per ton fee levied—

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Tax credit for hazardous waste disposal—

SB 647, pages 1172, 2018

Treatment facilities for, ban on additional commercial facilities, limits on deposits in existing—

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Clean indoor air act, smoking, prohibited in public places—

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Coroners, qualifications and training, duties in regard to inquests—

SB 491, pages 535, 1160

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HB 205, pages 203, 663, 789, 1018, 1480, 1585, 1622, Act no. 89-437

Dietetics/nutrition practice act, created—

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Dogs and cats, control of rabies, immunization established, impoundment procedure, penalties—

SB 418, pages 333, 858

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Drugs, licensed pharmacists, substitute equivalent drug product unless physician otherwise specifies—

SB 416, page 266

Group health policy, mandates conversion rights for persons, upon death of insured person—

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- Health care facilities, deletes federal regulatory language—
HB 273, pages 1368, 1806
- Health care hall of fame, established—
SB 30, pages 11, 212, 232, 456, 464, 489
- Health care insurance contracts, required to reimburse insured for services of a chiropractor—
SB 319, pages 187, 544, 1987
- Health care service plan corporations, subject to insurance code, furnish plans—
SB 428, pages 335, 453
- Health insurance pool, established, for uninsurables—
SB 482, pages 471, 660, 828, 1032
- Hospitals, nursing homes, licensing of hospices and licensing advisory board—
SB 582, pages 794, 1023, 1839, 1938
- Hospitals, powers increased—
SB 590, page 855
- Hospitals, required to notify pre-hospital agencies if patient delivered has infectious disease—
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- Insurance, computing payments due providers of health care services by insurance companies—
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- Insurance, payment to licensed registered nurses passing national certification exam for nurse anesthetist, reimbursement to covered person for services—
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- Insurance, rate adjustments, approval of commissioner—
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- Long-term residential health care recipient ombudsman act—
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- Managed health care arrangements act, established—
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- Marriage license, lab test for syphilis, required—
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- Medicaid agency, prescription eyewear for qualified sight-impaired medicaid recipients—
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- Medicaid authority, enforcement authority expanded to insure compliance with federal law—
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- Medicaid eligibility, procedure for reinstatement for pregnant women—
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Occupational therapy practice act, created, board of occupational therapy, established—

SB 46, pages 14, 869, 1894

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Oysters, state board of health to inspect waters and close beds where unsafe—

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Penny trust fund, established to accept voluntary contributions for public health and education, investment regulated, CA—

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relocation assistance and real property acquisition policies act of
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Gasoline tax, four cents, proceeds distributed—

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Motor vehicles, sizes and lengths on highways, regulated—

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Motor vehicles, sizes and weights on roads, regulated—

SB 8, pages 7, 326, 495, 1140, 1838, 1930

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Toll road, bridge and tunnel authority, bond issues, premium yield established at competitive rate—

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SB 267, pages 119, 236, 494, 530, 531, 1834, 1856, 1940, Act no. 89-536

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Removing designated, observe national memorial day, Mobile and Baldwin counties observe mardi gras—

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City and county housing authority boards, members immune from individual civil liability—

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Public housing projects, sale of drugs within three miles of, prohibited—

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Alarm systems, business regulated, board established, licensing of—
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Alligator farms, licensed and regulated, penalties, conservation department to administer—
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Boats, registration fees, increased—
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Commercial driver license act, established—
HB 311, pages 1765, 2103, 2339, 2423, 2451, Act no. 89-878

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- Cosmetology and barbering act, licensing board, created—
SB 636, pages 1118, 1630, 1838, 1926, 2143, 2193, 2220
- Cosmetology board, increase license fees and fines for violations, board membership and compensation increased—
SB 684, page 1471
- Dietetics/nutrition practice act, created—
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- Drivers' licenses, immediate suspension by public safety department for driving while intoxicated or refusal to take breath test—
SB 497, pages 536, 862, 1838, 1932
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- Drivers' licenses, revocation for juveniles convicted of drug or alcohol related offenses—
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- Financial institutions, privilege taxes, municipalities authorized to levy—
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- Fire fighters, distinctive license plates, issued at reduced cost—
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- Fishing gear, commercial, license fees increased for use of—
SB 71, page 76
- Fishing, gill net license fee, decreased—
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- Fishing, non-resident commercial, sale of—
SB 63, pages 75, 329
- Free fishing day, established—
SB 36, pages 12, 108, 494, 531, 532, 2296, 2344, 2457, Act no. 89-810
- Hospitals, nursing homes, licensing of hospices and licensing advisory board—
SB 582, pages 794, 1023, 1839, 1938
- Hunter education course, required for person under sixteen years of age to receive—
SB 488, pages 473, 864, 1140, 2174, 2175, 2193, 2212
- Hunting and fishing, license year changed from August 1 to July 31—
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- Hunting and/or fishing lifetime, fee increased—
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- Insurance department, commissioner to be elected position, compensation, rate making procedure and processes—
SB 303, pages 142, 869, 1837, 1891, 1975, 1995, 1996, 2062, 2069

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- Junk dealers, scrap metals, keep records, inspected by law enforcement officers—
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- Landscape architects examining board, licensing and fees, regulated—
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- Law enforcement officers, retired or disabled, entitled to free drivers', hunting and fishing—
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- License fee, recreational gill net fishing, established for age 65 and older at discount—
SB 75, pages 77, 151
- License plates, distinctive, military personnel, retired, design of, altered—
HB 773, pages 1803, 2019, 2338, 2360, 2379, Act no. 89-858
- License plates, retired volunteer firemen, issued—
SB 427, pages 334, 665, 967, 1161, 1851
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- Licensing examinations, for insurance representatives, waived—
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- Liquor licensees, of fortified wine and vinous liquor, not required to comply with labeling provisions, manufacturer, wholesaler and importer licensees exempt—
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- Motor vehicle operators, mandatory liability insurance required—
SB 545, page 629
- Motor vehicles, drug testing for drivers' license—
SB 576, pages 793, 1026, 1139, 1971, 2054
- Motorcycles, antique license plates allowed—
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- Motorcycles, commemorative, personalized licensed plates allowed—
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- Municipalities, licensing of trade, business, professions, fee to issue license increased, penalty for operating without license increased—
SB 82, pages 78, 455
- Occupational therapy practice act, created, board of occupational therapy, established—
SB 46, pages 14, 869, 1894
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- Optometry, practice of, regulated—
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- Pearl Harbor survivors, purchase distinctive license plates—
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Pesticides, users who violate state law, agriculture and industries department, levy civil penalties, hearing, appeal—

SB 34, pages 11, 452
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Psychology, board of examiners in, hire executive secretary—

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Public safety department, send list of persons acquiring out-of-state drivers' licenses to boards of registrars to purge names from voting lists—

SB 678, pages 1470, 1604, 1915, 1943, 1984
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Radio utilities, inspection and supervision fees, levied by public service commission increased, method of payment—

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Consumer, excess finance charges, recovery of, altered—
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Consumer finance, existing law, clarified and confirmed—
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Linked deposit loan program, restrictions removed—

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Student grant program, minimum amount of grant, altered—

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SB 666, pages 1351, 2015, 2213

LOW INCOME HOME ENERGY ASSISTANCE

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SB 43, page 13

Heat and energy assistance, for poor families, public service commission to regulate—

SB 41, page 13

Utilities, assistance for utility bills for needy families, reduction in bill tied to rate of return on rate base—

SB 42, page 13

Utilities, waiver of minimum charge for low income families—

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SB 234, page 115

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Molds, procedure for disposal of, established—

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Holidays, removing designated, observe national memorial day, Mobile and Baldwin counties observe mardi gras—
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Agency, prescription eyewear for qualified sight-impaired medicaid recipients—
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Eligibility, procedure for reinstatement for pregnant women—
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- Drugs, licensed pharmacists, substitute equivalent drug product unless physician otherwise specifies—
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- Elderly and patient abuse, constitutes a crime, penalty—
SB 338, page 191
- Health care hall of fame, established—
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- Health care insurance contracts, required to reimburse insured for services of a chiropractor—
SB 319, pages 187, 544, 1987
- Medicaid authority, enforcement authority expanded to insure compliance with federal law—
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- Occupational therapist, licensing of, regulated, board, established—
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- Psychology, board of examiners in, hire executive secretary—
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- Finance authority, expenditures of funds have prior approval of mental health capital outlay oversight commission—
SB 605, pages 1020, 1110
- Insurance policies, reimbursement for services of social workers, counselors, and psychiatric nurses—
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- Mental retardation department and, appropriation, reduced—
SB 461, pages 424, 540, 881, 942, 943, 1165, 1176, 1940, Act no. 89-363
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- Employees' retirement system, members can purchase military service credit, termination date—
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- License plates, distinctive, retired personnel, design of, altered—
HB 773, pages 1803, 2019, 2338, 2360, 2379, Act no. 89-858
- Pearl Harbor survivors, purchase distinctive license plates—
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- Retirement benefits of, exempt from income tax—
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- U. S. government and, retirement benefits, exempt from income tax—
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to be used for capital improvement, equipment and debt service,
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in drugs—
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Bar pilots in, compensation increased—

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Set-up materials and supplies, exempt from sales and use tax—

HB 1005, pages 1786, 1960, 2160, 2283, 2307, 2352, Act no. 89-920

Uniform certificate of title and antitheft act, mobile homes included—

SB 667, page 1351

HB 1004, pages 1784, 1959, 2199, 2377, 2401, Act no. 89-918

Used, casual sales and use tax—

HB 1006, pages 1788, 1960, 2177, 2244, Act no. 89-752

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Procedure for disposal of, established—

SB 147, pages 90, 110, 164, 267, 487, 491, 1753, 1856, 1940, Act no. 89-537

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Probate court, authorized to maintain one source for registration of deeds, instruments, and—

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Abandoned, procedure for sale, hearings established—

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Accidents causing death, blood tests for presence of alcoholic beverages—

SB 100, pages 81, 209, 493, 518, 2163, 2193, 2212

Bus service, private, municipalities to regulate—

SB 386, pages 227, 546, 941, 1114, 1850

Child passenger restraints, required for children under six years of age—

SB 259, pages 118, 210, 229, 455, 460, 1945, 2036, 2073, Act no. 89-781

Commercial driver license act, established—

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Criminal trespass by motor vehicles, crime of, established, prohibits driving through or parking in private parking areas, penalties—

SB 317, pages 187, 543, 1836, 1890, 1984

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- Deceptive trade practices act, odometer tampering, promotional giveaways, credit repair services, debt adjustment services—
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- Drivers' licenses, immediate suspension by public safety department for driving while intoxicated or refusing to take breath test—
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HB 752, pages 2002, 2104, 2338, 2361, 2375, 2381
- Drivers' licenses, revocation for juveniles convicted of drug or alcohol-related offenses—
SB 593, page 855
- Driving under the influence of drugs or alcoholic beverages, definitions altered, arrest powers increased—
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- Drug testing for drivers' license—
SB 576, pages 793, 1026, 1139, 1971, 2054
- Emergency vehicles, law enforcement officers, exempt from requirements—
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- Ethics law, public officials prohibited from using state-owned motor vehicles and aircraft for partisan political purposes—
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- Fire fighters, distinctive license plates, issued at reduced cost—
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- Handicapped parking, municipalities, increased fines for violations—
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- Insurance companies, disclosure, use and identification of used parts in auto repair—
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- Insurance, mandatory liability, prerequisite to licensing of automobile—
SB 299, page 141
- Insurance, mandatory liability, required for all operators—
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- License plates, antique vehicles, motorcycles included—
SB 12, page 7
- License plates, distinctive, retired military personnel, design of, altered—
HB 773, pages 1803, 2019, 2338, 2360, 2379, Act no. 89-858
- License plates, for temporarily handicapped persons, issued—
SB 564, pages 633, 1027
HB 521, pages 1800, 2016, 2338, 2361, 2380, Act no. 89-856
- License plates, personalized, commemorative, motorcycles included—
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License plates, retired volunteer firemen, issued—

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Open-top dump vehicles, exempt from public service commission regulations—

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Pearl Harbor survivors, purchase distinctive license plates—

SB 685, pages 1472, 1810

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Prisoners of war, surviving spouses allowed to obtain special license plates—

SB 580, pages 794, 864, 1139, 1969, 1984

Radio emergency association citizen team, distinctive license plates—

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Rebuilt, salvage certification, required—

HB 569, pages 1787, 2015, 2338, 2356, 2376, 2401, Act no. 89-863

Safety belt use act of 1989—

SB 364, pages 222, 328, 347, 548, 1837, 1895

School bus drivers, driving under influence, percent of alcohol in blood lower for conviction—

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Self-propelled campers and house cars defined, taxes and fees for recreational vehicles—

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HB 565, pages 1359, 1528, 1930, 1992, Act no. 89-631

Sizes and weights on roads, regulated—

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Speed limits, aerial enforcement of, authorized—

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Tax collectors, collection of municipal and county sales tax on automotive vehicles—

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Tinted windshields, prohibited—

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Tour buses, operating in interstate commerce, exempt from public service commission regulations—

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U. S. mail delivery vehicles, lighting equipment, requirements—
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U. S. naval reserve members, allowed to purchase distinctive motor
vehicle license plates—
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Uniform certificate of title and antitheft act, mobile homes included—
SB 667, page 1351
HB 1004, pages 1784, 1959, 2199, 2377, 2401, Act no. 89-918

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deleted, certificate of title specifying "rebuilt" required—
SB 320, pages 187, 861

Vehicle inspection fees, appropriation to operate and maintain state
vehicle inspection program—
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Woodland fire condemnation act, established, procedure to confiscate
vehicles and equipment used in maliciously setting forest fires—
SB 33, pages 11, 542
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SB 540, pages 628, 820
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Alcoholic beverages, elections for Sunday sales of, counties and munic-
ipalities required to hold—
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Bonds, issued by counties and municipalities, pursuant to constitution, section 22, local governments may impose assessment against property, CA—

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Bus service, private, municipalities to regulate—

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Class 5, mayor-council form of government adoption authorized—

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Consolidation of contiguous, petition procedure, altered—

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Education, city and county boards of, libraries, junior and technical colleges, universities, appropriation—

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Elected officials of, retirement pension plan—

SB 671, pages 1352, 1601, 2132

Employees' retirement system, employees of community action agencies, may join—

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Employees' retirement system, reopened for city or county employees—

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Financial institutions, may levy privilege taxes on—

HB 362, pages 2002, 2237

Gasoline taxes, county and city proceeds dedicated for road and bridge purposes—

SB 546, page 630

Handicapped parking, municipalities, increased fines for violations—

SB 470, pages 425, 665, 941, 1114, 1845

Historical preservation commissions and architectural review boards for counties and municipalities, established—

SB 267, pages 119, 236, 494, 530, 531, 1834, 1856, 1940, Act no. 89-536

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- Industrial parks, counties and municipalities to establish corporations to develop, issue bonds—
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- Intergovernmental relations, advisory commission established to strengthen relationships between local political subdivisions, cities and counties—
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- Public corporations or entities, prohibited from duplicating or acquiring services of waterworks systems—
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City or county employees, employees’ retirement system, reopened for—

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Counties, ad valorem tax, revenue commissioner or, correct mechanical errors made in property assessment—

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SB 660, pages 1350, 1530, 1661, 1988, 2039, 2073

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Eighth judicial circuit (Morgan county), judges entitled to twenty-five percent of county supplement, pension fund—

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Fire protection, fee levied in portion of county, funds to volunteer fire departments, referendum—

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Highway rights-of-way, political signs prohibited—

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Livingston, cable television system, authorized to establish—

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- Strange, mr. Tommy, of Russellville, death mourned—
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- Abbeville christian academy lady generals, commended on the 1988 state softball championship—
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- Abbott, coach Rudy, of Jacksonville state university, commended for his long and distinguished service to the athletic program—
SJR 193, pages 1770, 2028, 2071, 2221, Act no. 89-678
- Acker, dr. Linda, of Fayette, commended as 1989 national teacher of the year in postsecondary category—
SR 174, page 1559
- AGAPE, of central Alabama, commended for outstanding humanitarian service to our state on the occasion of its tenth anniversary—
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- Agnew, mr. Jim, of Huntsville, commended for distinguished service to the Huntsville-Madison county community and designating him as "mr. ambulance"—
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- Alabama association of rescue squads, commended for outstanding service—
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- Alabama association of school boards, commended for 40 years of distinguished service—
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- Alabama job training coordinating council and the employment and training division of the Alabama department of economic and community affairs, commended—
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- Alabama junior college conference, commended on the establishment of the athletic hall of fame—
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- Alabama leadership network, commended as the first such organization in the south and designating October 26, 1989, as "a-team day"—
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"Alabama", the musical group from Fort Payne, commended as the recipient of the artist of the decade award for the eighties—
HJR 402, pages 1826, 1910, Act no. 89-590

Albright, dr. Boyce S., of Haleyville, commended for outstanding service to public education—
SR 162, page 1429

All-state academic team, and its inaugural members, commended—
SR 137, page 1163
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Allen, mr. James R., of Monroeville, commended as 1988 citizen of the year by the local Kiwanis club—
SR 75, page 551

Alzheimer, Dorothy, of Montgomery, commended for outstanding service to the community and recognized as one of Montgomery's women of achievement—
HJR 332, pages 1819, 1910, Act no. 89-614

Amari, Johnny, of Birmingham, commended on his athletic feats—
SR 272, page 2373

Amari, Joseph, of Birmingham, commended on his athletic feats—
SR 273, page 2373

Anderson, ms. Elizabeth, of Mobile, commended as recipient of the papal medal of honor—
HJR 253, pages 813, 892, Act no. 89-215

Ankerson, ms. Rosalie, of Mobile, commended as a recipient of the papal medal of honor—
HJR 270, pages 809, 892, Act no. 89-221

Archbishop Iakovos, primate of the Greek orthodox church of north and south America, commended on his accomplishments and dedication of his archpastoral ministry—
SJR 165, pages 1482, 1620, 1626, 1724, Act no. 89-428

Arrow, coach Ronnie, of Mobile, commended for his outstanding accomplishments as head coach of the university of south Alabama basketball team—
HJR 457, pages 1830, 1913, Act no. 89-621

Auburn university lady tigers basketball team, commended on their outstanding accomplishments of the 1988-89 season—
SJR 136, pages 1141, 1181, 1331, 1332, Act no. 89-313

Baldwin county junior high school juniorettes and ms. Connie R. Holmes, commended for outstanding achievement and service in the community—
SJR 257, pages 2326, 2394, 2419, 2457, Act no. 89-932

Barnes, ms. Pauline, of Gadsden, commended for outstanding achievement as an artist—
HJR 237, pages 657, 784, Act no. 89-185

RESOLUTION, CONGRATULATORY (Continued)

- Barnett, mr. Robert B., of Mobile, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 298, pages 1816, 1866, Act no. 89-561
- Battle of Horseshoe Bend, 175th anniversary commemorated—
HJR 28, pages 135, 170, Act no. 89-30
- Baxley, ms. Barbara, of Jackson's Gap, commended for distinguished service to the town and community—
HJR 14, pages 126, 168, Act no. 89-5
- Baxley, ms. Mary, of Mobile, commended as a recipient of the papal medal of honor—
HJR 274, pages 809, 893, Act no. 89-225
- Bay Minette city council, commended on the naming of Vincent L. Ulmer memorial park—
HJR 554, pages 2324, 2370, Act no. 89-906
- Bender, ms. Doris, of Mobile, commended as a recipient of the papal medal of honor—
HJR 224, pages 656, 784, Act no. 89-179
- Benjamin Russell high school football team, commended for their outstanding 1988 season—
HJR 27, pages 135, 170, Act no. 89-29
- Bentancourt, mr. Edward A., of Mobile, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 256, pages 812, 890, Act no. 89-198
- Birmingham stars U-15 soccer team, commended for their outstanding accomplishments—
SJR 192, pages 1732, 2028, 2071, 2221, Act no. 89-677
- Bishop, mr. David, of Montgomery, commended as an outstanding disabled volunteer—
SR 117, page 1035
HJR 337, pages 1821, 1910, Act no. 89-610
- Bishop, mr. L. O., of Cherokee, commended as Shoals citizen of the year—
SR 28, page 156
SR 42, page 242
- Black, mr. Barry Gene, of Athens, commended for rushing to the aid of a fellow church member suffering from cardiac arrest and saving his life—
HJR 98, pages 362, 411, Act no. 89-93
- Blackmon, mrs. Eunice Bolling, of Baldwin county, commended for distinguished service as circuit clerk—
HJR 267, pages 810, 891, Act no. 89-207
- Blaylock, miss Lisa, of Winfield, commended as west Alabama's 1989 junior miss and a top-ten finalist in state competition—
SR 58, page 436
- Blevins, ms. Ola, of Selma, commended as a recipient of the papal medal of honor—
HJR 326, pages 1628, 1633, Act no. 89-456

RESOLUTION, CONGRATULATORY (Continued)

- Blount high school track team, of Mobile, commended on their 1989 state 5A indoor track championship—
HJR 138, pages 431, 484, Act no. 89-130
- Blount, Mary Katherine, of Montgomery, commended for outstanding service to the community and recognized as one of Montgomery's women of achievement—
HJR 332, pages 1819, 1910, Act no. 89-614
- Bobo, mr. Jerry, of Fayette county, commended for distinguished service to the county high school—
SR 175, page 1559
- Bosch, ms. Margaret, of Montgomery, commended as a recipient of the papal medal of honor—
HJR 509, pages 2319, 2368, Act no. 89-894
- Bostrom, mrs. Dot, of Jackson, commended as 1988 citizen of the year—
HJR 155, pages 433, 483, Act no. 89-125
- Boswell, miss Jennifer Rebecca, of Ragland, commended for winning the title of "miss St. Clair county"—
HJR 9, pages 128, 169, Act no. 89-22
- Bowen, judge William A., of Montgomery, commended for receiving the knight of the order of saint Gregory the great, civil class—
SJR 203, pages 1839, 2028, 2071, 2221, Act no. 89-681
- Boyd, mrs. Lana, of Russellville, commended as woman of the year by Russellville's business and professional women—
SR 57, page 436
- Branch, dr. Gary L., of Bay Minette, commended as most outstanding junior college president in the nation—
SJR 185, pages 1634, 1831, 1918, 1940, Act no. 89-572
- Brenlin group and gulf states steel, commended for the opening of the gulf state learning resource center—
HJR 78, pages 230, 244, Act no. 89-44
- Briers, mrs. Mary, of Montgomery, commended as a recipient of the papal medal of honor—
SJR 123, pages 1038, 1179, 1330, 1332, Act no. 89-308
- Britton, Margaret, of Montgomery, commended for outstanding service to the community and recognized as one of Montgomery's women of achievement—
HJR 332, pages 1819, 1910, Act no. 89-614
- Brock, ms. Antoinette, of Mobile, commended as a recipient of the papal medal of honor—
HJR 217, pages 655, 783, Act no. 89-172
- Brown, ms. Agnes, of Mobile, commended as a recipient of the papal medal of honor—
HJR 236, pages 657, 784, Act no. 89-184
- Bruno, mr. Joseph S., of Birmingham, commended on being the recipient of the area community service award—
SR 72, page 551

RESOLUTION, CONGRATULATORY (Continued)

- Bullard, mr. Joel B., jr., of Mobile, commended as member of the Tulane university athletic hall of fame and for outstanding achievement and leadership—
HJR 52, pages 123, 170, Act no. 89-35
- Burgreen, mr. Billy, of Limestone county, commended as business person of the year by the Athens-Limestone chamber of commerce—
SR 184, page 1634
- Butler, mrs. Maxine Hill, of Fayette, commended as Alabama mother of the year—
SR 73, page 551
- Butler, professor Willie Mae, of Huntsville, commended on her outstanding achievements—
HJR 355, pages 1824, 1865, Act no. 89-604
- Calloway, mrs. Helen, of Daphne, commended as a recipient of the papal medal of honor—
HJR 184, pages 475, 522, Act no. 89-141
- Calvin, mrs. Virginia, of Limestone county, commended for her distinguished service to the community—
SR 226, page 2117
- Carkuff, coach Maurice, of Oneonta, commended for his coaching career—
HJR 30, pages 127, 169, Act no. 89-13
- Carpenter, mr. Royal, of Town Creek, commended for his distinguished coaching tenure at Hatton high school—
HJR 152, pages 433, 483, Act no. 89-122
- Carter, Cheryl, of Montgomery, commended for outstanding service to the community and recognized as one of Montgomery's women of achievement—
HJR 332, pages 1819, 1910, Act no. 89-614
- Carter, mr. Emanuel M., sr., of Mobile, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 213, pages 652, 783, Act no. 89-167
- Case, mrs. Anne Ford, of Jacksonville, commended as Calhoun county's elementary teacher of the year—
HJR 335, pages 1819, 1910, Act no. 89-612
- Chapman, dr. Richard, of Madison county, commended as outstanding superintendent of the year—
HJR 53, pages 123, 171, Act no. 89-36
- Christopher, ms. Joann, of Limestone county, commended for outstanding leadership and selection as citizen of the year by the local chamber of commerce—
SR 182, page 1634
- Citizens of Lawrence county, commended on their success of their annual litterbuster campaign—
SJR 171, pages 1488, 1507, 1557, 1606, Act no. 89-416
- Clark, mrs. Frances, of Montgomery, commended as a recipient of the papal medal of honor—
SJR 121, pages 1036, 1178, 1330, 1332, Act no. 89-306

RESOLUTION, CONGRATULATORY (Continued)

Clarke county high school basketball team, commended as state 4A champions—

HJR 334, pages 1819, 1910, Act no. 89-613

Clay county exchange club, commended for outstanding achievement—

HJR 496, pages 2320, 2368, Act no. 89-887

Claybrook, mr. R. W., of Jackson's Gap, commended for distinguished service to town and community—

HJR 15, pages 125, 168, Act no. 89-6

Cleburne county high school intermediate future problem solving team, commended for outstanding achievement—

SJR 248, pages 2299, 2394, 2419, 2457, Act no. 89-930

Clotfelter, rev. John, of Athens, commended for assisting fellow members in saving a life by applying CPR techniques—

HJR 97, pages 362, 412, Act no. 89-105

Coe, mr. William T., of Birmingham, commended for eagle scout recognition and outstanding achievement—

HJR 95, pages 364, 412, Act no. 89-103

Cohen, professor Harry, of Tuscaloosa, commended for distinguished service to the the university of Alabama school of law—

SR 20, page 107

Colbert county, commended as Alabama's first county to achieve "people against a littered state" (pals) status—

SJR 97, pages 634, 815, 886, 964, Act no. 89-252

Cole, miss Tammy, of Beaverton, commended on her notable accomplishments and particularly for being elected state beta club president—

SR 216, page 2026

Coody, ms. Michele K., of Montgomery, commended as a recipient of the papal medal of honor—

HJR 437, pages 1816, 1912, Act no. 89-625

Corbett, senator Danny, commended on the occasion of his 40th birthday—

SR 243, page 2259

Courington, dr. R. M., commended for distinguished service to the Russellville city school system—

SR 89, page 596

Courtland high school football team, commended on the 1988 class 1A state championship—

HJR 201, pages 575, 613, Act no. 89-158

Covington, senator Foy, commended on having the Skipperville high school year book dedicated to him—

SR 229, page 2124

Craddock, mr. Mark Nelson, of Citronelle, commended for outstanding achievement and community service—

HJR 89, pages 418, 482, Act no. 89-116

RESOLUTION, CONGRATULATORY (Continued)

Craig, mr. James, jr., commended upon his selection as wholesalers and jobbers representative of the Athens-Limestone chamber of commerce—

SR 169, page 1488

Crow, ms. Anna B., of Mobile, commended for the outstanding service and contributions to the catholic week—

HJR 215, pages 652, 783, Act no. 89-169

Crumpton, mr. Robert B., of Montgomery, commended for outstanding personal achievement and distinguished service to the state of Alabama—

SJR 130, pages 1107, 1180, 1330, 1332, Act no. 89-311

Crysel, major general James W., of Luverne, commended on his distinguished military career—

HJR 669, pages 2439, 2453, Act no. 89-871

Cuddeback, mrs. Teague, of Madison county, commended for outstanding professional achievement and service to the community—

SR 101, page 829

Damson, mr. Thomas S., of Mobile, commended as a recipient of the small business administration special achievement award of 1988—

HJR 301, pages 1815, 1866, Act no. 89-558

DAR high school, commended on winning the ladies' class 3A basketball championship—

HJR 249, pages 813, 892, Act no. 89-211

Davis, miss Laura Elizabeth, of Mobile, commended as one of Alabama's most outstanding citizens—

HJR 35, pages 124, 169, Act no. 89-17

Davis, mr. James R., commended for distinguished service to the Alabama department of conservation and natural resources—

SJR 63, pages 464, 634, 675, 786, Act no. 89-165

Dawson, ms. Mary Augusta, of Mobile, commended as a recipient of the papal medal of honor—

HJR 216, pages 655, 783, Act no. 89-171

Delorme, mrs. Edith, of Birmingham, commended for outstanding community service—

SR 178, page 1628

Dempsey, sergeant Jack E., of Huntsville, commended on his distinguished military career—

SR 92, page 597

DeRamus-Coleman, ms. Brenda, of Montgomery, commended on her nomination as a candidate for NEA uniserve director and for direction and service to the field of education—

HJR 315, pages 1821, 1865, Act no. 89-550

DeVaney, mr. Charles, of Tuscumbia, commended for outstanding professional achievement and service to the community—

SR 108, page 858

Dewberry, mr. Lamar, of Lineville high school, commended as the winner of the state agriscience teacher of the year—

HJR 127, pages 357, 411, Act no. 89-98

RESOLUTION, CONGRATULATORY (Continued)

- Dickens, mrs. Mina, of Wallace college/Dothan, commended for outstanding professional achievement—
SR 251, page 2300
- Dickerson, mr. Shane, of Fruitdale high school, commended as 1988-89 teacher of the year for district V—
HJR 417, pages 1827, 1908, Act no. 89-585
- Dickmann, miss Lisa Delaine, of Springville, commended for being named "miss Logan Martin"—
HJR 124, pages 357, 411, Act no. 89-95
- Dickson, mr. Trey, of Bay Minette, commended on his selection as a member of delta belles and beaux—
HJR 389, pages 1824, 1911, Act no. 89-599
- Dixon, Damon, of Oklahoma City, commended for outstanding athletic and academic achievement—
SR 199, page 1831
HJR 453, pages 1829, 1911, Act no. 89-622
- Dixon, mr. George E., of Mobile, commended for outstanding service to local union 505, international brotherhood of electrical workers—
HJR 350, pages 1819, 1865, Act no. 89-605
- Donaghey, mr. Bradley J., of Mobile, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 297, pages 1815, 1866, Act no. 89-562
- Douglass, coach Gerald, of Sylacauga high school, commended on his induction into the university of Montevallo sports hall of fame—
HJR 670, pages 2440, 2453, Act no. 89-872
- Dowdle, ms. Janice, of Vernon, commended as a recipient of the Auburn alumni association's award for excellence—
SR 81, page 552
- Doyle, dr. Thomas L., of Montgomery, commended for receiving knight of the order of saint Gregory the great, civil class—
HJR 510, pages 2319, 2369, Act no. 89-895
- Draper, mrs. Charlotte, of Valley elementary school, Pelham, commended as the most outstanding elementary science teacher in the nation—
SJR 140, pages 1174, 1620, 1625, 1724, Act no. 89-427
- Drey, ms. Julia, of Mobile, commended as a recipient of the papal medal of honor—
HJR 252, pages 812, 892, Act no. 89-214
- Dugger, mr. Fred, of Gadsden, commended for distinguished civic contributions and service to the east Gadsden lions club—
HJR 156, pages 433, 483, Act no. 89-117
- Durbin, mr. Marshall, jr., commended as chairman of the national broiler council—
SR 77, page 551
- Ellis, ms. Amalie, of Mobile, commended as a recipient of the papal medal of honor—
HJR 272, pages 809, 893, Act no. 89-223

RESOLUTION, CONGRATULATORY (Continued)

Elmore, mrs. Margaret, of Montgomery, commended for outstanding service to the community and recognized as one of Montgomery's women of achievement—

HJR 332, pages 1819, 1910, Act no. 89-614

Elmore, mrs. Margaret, of Montgomery, commended as a recipient of the papal medal of honor—

SJR 177, pages 1624, 1831, 1918, 1940, Act no. 89-573

Erwin high school football team, commended as the area ten champions—

HJR 357, pages 1824, 1865, Act no. 89-603

Erwin high school basketball team, commended on their accomplishments of the 1988-89 season—

HJR 398, pages 1826, 1911, Act no. 89-591

Evans, mr. Johnny, of Huntsville, commended for outstanding service and devotion on behalf of united cerebral palsy—

SR 21, page 107

Fadella, ms. Eloise, of Mobile, commended as a recipient of the papal medal of honor—

HJR 221, pages 655, 784, Act no. 89-176

Farnsworth, ms. Sue, of Ozark, commended as a recipient of the papal medal of honor—

HJR 384, pages 1817, 1912, Act no. 89-602

Fay, Jason, of Mobile, commended for outstanding heroism in the saving of his grandfather's life—

SR 87, page 596

Fentress, mr. Todd, of J. C. Calhoun community college commended for outstanding academic achievement—

SR 145, page 1279

HJR 491, pages 2004, 2065, Act no. 89-779

Finkbohner, ms. Beverly, of Mobile, commended as a recipient of the papal medal of honor—

HJR 225, pages 656, 784, Act no. 89-180

Fleming, mr. Walton, of Huntsville, commended for outstanding community service—

SR 55, page 392

Flood, mrs. Lillie G., of Birmingham, commended for 29 years of outstanding service in the field of education—

HJR 512, pages 2319, 2369, Act no. 89-896

Flowers, representative Steve, of Troy, commended for distinguished service to the house of representatives—

HJR 38, page 134

Ford, mr. Michael, of Fairhope, commended for receiving the knight of the order of saint Gregory the great, civil class—

HJR 181, pages 476, 522, Act no. 89-138

Francis Marion high school lady rams basketball team, commended on their accomplishments of the 1988-89 basketball season—

SR 161, page 1429

RESOLUTION, CONGRATULATORY (Continued)

Francis Marion high school rams basketball team, commended on the 1988-89 state class 2A championship—

SR 160, page 1429

HJR 429, pages 1829, 1909, Act no. 89-579

Gadsden city schools, commended on 100th anniversary—

HJR 427, pages 1829, 1909, Act no. 89-581

Garrett, mr. John A., of Snowdoun, commended on the occasion of his 80th birthday—

SR 235, page 2246

Gaston, mr. Wood, jr., of Alexander City, commended for distinguished community service—

HJR 22, pages 134, 169, Act no. 89-24

Geraldine homemaker club, commended for outstanding service to the community—

HJR 307, pages 1821, 1865, Act no. 89-554

Gilbert, mrs. Diane H., of Athens, commended for saving a person's life by administering CPR—

HJR 96, pages 364, 412, Act no. 89-104

Glasscock, ms. Elizabeth, commended as the Athens city elementary schools' teacher of the year—

SR 60, page 456

Glenn Jones family, of Blountsville, commended as "farm family of the year"—

HJR 106, pages 367, 412, Act no. 89-107

Glidewell, mr. Eric Daniel, of Trussville, commended for outstanding achievement as a soccer player—

HJR 497, pages 2320, 2368, Act no. 89-888

Grant, dr. W. Harold, of Auburn, commended for receiving the order of saint Gregory the great, civil class—

HJR 460, pages 1829, 1909, Act no. 89-619

Graves, dr. Benjamin Barnes, of Huntsville, commended for distinguished service to the university of Alabama in Huntsville—

HJR 331, pages 1819, 1909, Act no. 89-615

Gregory, mrs. Rebecca Geiger, of Montgomery, commended as Montgomery's teacher of the year, junior high school division—

HJR 136, pages 434, 484, Act no. 89-128

Griffin, mr. Al, of Lineville high school, commended for outstanding achievement in the national forestry proficiency award contest—

HJR 125, pages 357, 411, Act no. 89-96

Grissom high school lady volleyball team, of Huntsville, commended for its excellent season and state championship title—

HJR 381, pages 1626, 1632, Act no. 89-331

Guarisco, miss Mary, of Daphne, commended as a recipient of the papal medal of honor—

HJR 186, pages 475, 522, Act no. 89-143

Hall, dr. Stanley, commended for distinguished service to Limestone county—

SR 197, page 1831

RESOLUTION, CONGRATULATORY (Continued)

- Halliday, ms. Mary Ann, of Bay Minette, commended as a recipient of the papal medal of honor—
HJR 182, pages 476, 522, Act no. 89-139
- Hamburger, mr. C. Joseph, of Daphne, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 189, pages 475, 522, Act no. 89-146
- Hanberry, judge, William L., commended for distinguished service to Lauderdale county—
SR 236, page 2246
- Hand, senator Perry, of Gulf Shores, commended on being appointed secretary of state—
SR 238, page 2247
- Hand, senator Perry, of Gulf Shores, commended on his distinguished legislative tenure—
SJR 278, pages 2428, 2433, 2454, 2458, Act no. 89-938
SR 280, page 2430
- Haraway, mrs. Carolyn, of Athens, commended for distinguished achievement and service in the area of mental health and other community affairs—
SR 25, page 154
- Hargrove, ms. Jan, commended as the Athens city secondary schools' teacher of the year—
SR 61, page 456
- Harper, mrs. Willouise, of Marion county, commended for outstanding service to the circuit court—
SR 80, page 552
- Harris, mayor Elgin, of Jackson's Gap, commended for distinguished service to his town and community—
HJR 16, pages 125, 168, Act no. 89-7
- Harville, ms. April, of Bay Minette, commended as a member of delta belles and beaux—
HJR 396, pages 1825, 1912, Act no. 89-592
- Hasberry, mr. Columbus James, of Birmingham, commended for outstanding contributions to education and the community—
HJR 87, pages 418, 418, 473, 484, Act no. 89-132
- Hazelwood high school football team, of Town Creek, commended on the 1988 class 2A state football championship—
HJR 203, pages 576, 613, Act no. 89-160
- Hecker, mr. John N., of Mobile, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 296, pages 1815, 1866, Act no. 89-563
- Hedstrom, mr. Robert A., of Dothan, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 477, pages 2012, 2066, Act no. 89-772
- Helen Keller eye research foundation, commended on its formation—
HJR 470, pages 1818, 1912, Act no. 89-616

RESOLUTION, CONGRATULATORY (Continued)

- Henderson, mr. Ed, of Fort Payne, commended on the occasion of his 100th birthday—
SR 247, page 2288
- Hendrickson, mr. Holmes, of Bay Minette, commended as a member of the delta belles and beaux—
HJR 394, pages 1825, 1912, Act no. 89-594
- Henriksen, ms. Joan, of Mobile, commended as a recipient of the papal medal of honor—
HJR 257, pages 812, 891, Act no. 89-199
- Henson, Mr. Howard I., of Atlanta, Georgia, commended for his dedication to the citizenry of our state—
HJR 550, pages 2318, 2369, Act no. 89-904
- Hewitt-Trussville high school, commended on its consideration by the U. S. department of education for the national secondary recognition program award—
HJR 112, pages 358, 411, Act no. 89-94
- Hicks, ms. Margaret, of Selma, commended as a recipient of the papal medal of honor—
HJR 325, pages 1627, 1633, Act no. 89-455
- Higginbotham, dr. John A., of Huntsville, commended for outstanding professional achievement—
SR 37, page 233
- Hinton, mr. Skip, of Tuscaloosa, commended for outstanding professional achievement and service in public television—
HJR 379, pages 1626, 1632, Act no. 89-450
- Hodges, mr. Richard P., of Montgomery, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 498, pages 2320, 2368, Act no. 89-889
- Holley, mayor Frank George, of Camp Hill, commended for distinguished service—
HJR 18, pages 127, 168, Act no. 89-9
- Holmes, ms. Connie R. and Baldwin county junior high school juniorettes, commended for outstanding achievement and service in the community—
SJR 257, pages 2326, 2394, 2419, 2457, Act no. 89-932
- Homewood high school band, commended for being chosen one of the nine bands to participate in the pre-inaugural activities—
SJR 50, pages 365, 428, 467, 533, Act no. 89-152
- Horton, coach Curtis and Williamson high school lady lions, commended for winning the state 5A basketball championship—
SJR 84, pages 594, 815, 885, 964, Act no. 89-249
- Horton, mr. Edward Norman, of Bayou La Batre, commended on the occasion of his 60th birthday—
SR 269, page 2361
- Horton, mrs. Eunice, of Jefferson county, commended on her nomination as a candidate for NEA uniserve director, and for dedication and service in the field of education—
HJR 314, pages 1821, 1865, Act no. 89-551

RESOLUTION, CONGRATULATORY (Continued)

- Houston, mr. Stanley H., of Mobile, commended for being named professional engineer of the year—
HJR 205, pages 576, 613, Act no. 89-161
- Howell, dr. Malcolm R., of Mobile, commended for distinguished service to the university of south Alabama—
HJR 108, pages 366, 412, Act no. 89-109
- Hubbard, Henrietta, of Montgomery, commended for outstanding service to the community and recognized as one of Montgomery's women of achievement—
HJR 332, pages 1819, 1910, Act no. 89-614
- Hubbert, dr. Paul R., of Montgomery, commended on his distinguished service as executive secretary of the Alabama education association—
SJR 49, pages 364, 459, 459, 815, 885, 964, Act no. 89-245
- Hubbertville high school girls' basketball team, commended on the state 1A basketball championship—
SR 152, page 1392
HJR 228, pages 656, 784, Act no. 89-182
- Hudson, mr. J. W., of Limestone county, commended for distinguished service to the community—
SR 168, page 1488
- Huffman middle magnet school, of Birmingham, commended on becoming and remaining a drug-free school for the 1988-89 school year—
SR 242, page 2259
- Hunt, governor Guy and flight center-director James R. Thompson, jr., commended for their outstanding efforts and contributions toward the betterment of Alabama—
SJR 40, pages 240, 396, 428, 467, 533, Act no. 89-153
- Huntsville emergency medical services, commended for their exceptionally high standards—
HJR 135, pages 433, 484, Act no. 89-127
- Irwin, Mrs. Lillis, of Marshall county, commended for distinguished service to the Alabama public schools—
HJR 385, pages 1817, 1912, Act no. 89-601
- Ivey, mr. David, of Marion, commended for receiving the American red cross certificate of merit award—
SR 255, page 2307
- Jacksonville state university athletic teams, commended for making the final four division two, 1989 NCAA national tournament—
SJR 111, pages 928, 1019, 1021, 1071, Act no. 89-282
- James, ms. Toni, of Bay Minette, commended as a member of delta bells and beaux—
HJR 391, pages 1824, 1911, Act no. 89-597
- Jester, Mary George, of Montgomery, commended for outstanding service to the community and recognized as one of Montgomery's women of achievement—
HJR 332, pages 1819, 1910, Act no. 89-614

RESOLUTION, CONGRATULATORY (Continued)

John J. Eagan school and BE&K, incorporation, of Birmingham, recognized for adopt a school program—
SR 219, page 2054

Johns, ms. Amy, of Bay Minette, commended as a member of delta belles and beaux—
HJR 395, pages 1825, 1912, Act no. 89-593

Johnson, mr. Joe, commended for distinguished service to Limestone county—
SR 214, page 2026

Johnson, mrs. Edna Blue, of Birmingham, commended as “zeta of the year”—
SJR 245, pages 2262, 2393, 2421, 2457, Act no. 89-929

Johnson, mrs. Ruth Belyen, of Tallapoosa county, commended for outstanding service as circuit clerk for the 5th judicial circuit—
HJR 21, pages 127, 168, Act no. 89-12

Johnston, Sandra, Evelyn, and Wallace, of Spanish Fort, commended as proprietors of the Blue Gill restaurant and as ambassadors of goodwill for the state—
HJR 490, pages 2004, 2066, Act no. 89-778

Jones, dr. Harold Parker, of Mobile, commended for outstanding professional achievement and community leadership—
HJR 36, pages 124, 169, Act no. 89-18

Jones, mr. Bobby D., of LaFayette, commended on his recent honor as citizen of the year—
HJR 409, pages 1826, 1911, Act no. 89-589

Jones, mr. Laurens W., of Baldwin county, commended for outstanding and honorable service to the county board of education—
HJR 262, pages 810, 891, Act no. 89-204

Jones, mrs. Lillie, of Gadsden, commended for outstanding service to the Gadsden public library and patrons—
HJR 114, pages 366, 412, Act no. 89-112

Junkin, mrs. Elaine Walker, of Marion county, commended as teacher of the year—
SR 68, page 550

Junkins, judge Bobby M., of Gadsden, commended for outstanding service in the state—
HJR 306, pages 1823, 1911, Act no. 89-555

Kalifeh, mr. Mitchell M., jr., of Mobile, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 258, pages 811, 891, Act no. 89-200

Keith high school bears basketball team, of Orrville, commended on their accomplishments of the 1988-89 season—
SR 159, page 1429

Keith high school girls' lady bears basketball team, of Orrville, commended for their outstanding season—
SR 157, page 1429

RESOLUTION, CONGRATULATORY (Continued)

- Keith, mr. Calvin P., of Montgomery, commended on receiving the papal honor of knighthood—
SJR 201, pages 1835, 2028, 2071, 2221, Act no. 89-680
- Kemp, mr. Jack, commended on his appointment as secretary of the department of housing and urban development—
HJR 105, pages 367, 2272, 2289, Act no. 89-730
- Kemplin, mr. Eugene S., of Montgomery, commended as 1988 recipient of the law enforcement officer of the year award—
SR 78, page 551
- Kennedy, mr. Doug, of Haleyville, commended for outstanding achievement—
SR 215, page 2026
- Kenny, ms. Marie, of Mobile, commended as a recipient of the papal medal of honor—
HJR 271, pages 809, 892, Act no. 89-222
- Knight, mr. and mrs. Buford C., of Tylertown, Mississippi, commended on the occasion of their 57th wedding anniversary—
HJR 525, pages 2259, 2270, Act no. 89-738
- Kvalheim, representative Ken, commended for distinguished and honorable service to the university of south Alabama, Mobile community and the state—
HJR 563, pages 2316, 2370, Act no. 89-908
- Lazzari, mrs. Eileen, of Daphne, commended as a recipient of the papal medal of honor—
HJR 180, pages 476, 522, Act no. 89-137
- LeFlore high school basketball team, of Mobile, commended as the 1989 state class 6A boys basketball champion—
SR 104, page 830
SJR 114, pages 1010, 1175, 1183, 1332, Act no. 89-286
HJR 321, pages 1486, 2275, 2289, Act no. 89-735
- Lewis, mr. Robert Scott, of Bay Minette, commended as a member of delta belles and beaux—
HJR 392, pages 1825, 1911, Act no. 89-596
- Lindsey, representative and mrs. Richard, commended on the birth of their second child, Anna Elizabeth—
HJR 425, pages 1828, 1911, Act no. 89-583
- Lineville high school FFA forestry team, commended for top national honors—
HJR 126, pages 357, 411, Act no. 89-97
- Loachapoka high school basketball team, commended on their outstanding 1988-89 season—
SJR 187, pages 1635, 1831, 1918, 1940, Act no. 89-571
- Loftin, mr. James, of Dothan, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 476, pages 2012, 2066, Act no. 89-771
- Long, mr. John Maloy, of Troy state university, commended for his outstanding accomplishments in the field of music—
HJR 343, pages 1487, 1555, Act no. 89-330

RESOLUTION, CONGRATULATORY (Continued)

Luckett, Laura, of Montgomery, commended for outstanding service to the community and recognized as one of Montgomery's women of achievement—

HJR 332, pages 1819, 1910, Act no. 89-614

Lynn, miss Tracy, of Marshall county, commended for outstanding achievement for first place in the statewide citizen bee competition—

HJR 532, pages 2317, 2369, Act no. 89-902

Mackey, miss Dawn, of Etowah county, commended for outstanding musical accomplishments—

HJR 33, pages 128, 169, Act no. 89-15

MacLean, father Donald I., S. J., commended as the newly elected president of Spring Hill college—

HJR 558, pages 2324, 2370, Act no. 89-907

MacMillan Bloedel, inc., pulp and paper employees, commended on their outstanding safety record—

HJR 479, pages 2012, 2066, Act no. 89-768

MacNamara, dr. John P., III, of Mobile, commended for receiving the knight of the order of saint Gregory the great, civil class—

HJR 295, pages 1815, 1866, Act no. 89-564

Maisel, mrs. Freida G., of Mobile, commended for outstanding achievement and leadership—

HJR 94, pages 364, 411, Act no. 89-102

Marsh, mr. and mrs. Bob, of Anniston, commended on the birth of their son, Donavan Jacob Marsh—

SR 186, page 1635

Marshall technical school automotive technology program, commended for receiving national honors—

HJR 37, pages 124, 170, Act no. 89-32

Maund, mr. Doug, of Limestone county, commended for his outstanding leadership to the community—

SR 196, page 1831

McDaniel, ms. Peggy, commended for her distinguished service to Limestone county—

SR 170, page 1488

McDermott, mr. William H., of Mobile, commended for receiving the knight of the order of saint Gregory the great, civil class—

HJR 259, pages 811, 891, Act no. 89-201

McDonald, ms. Dolores, of Mobile, commended as a recipient of the papal medal of honor—

HJR 260, pages 811, 891, Act no. 89-202

McDonough, ms. Valerie, of Whistler, commended as a recipient of the papal medal of honor—

HJR 276, pages 810, 893, Act no. 89-227

McGill-Toolen high school basketball team, of Mobile, commended as runner-up in the 1989 state class 6A championship—

SR 103, page 829

RESOLUTION, CONGRATULATORY (Continued)

- McGruder, Mrs. Anne, of Montgomery, commended as a recipient of the papal medal of honor—
SJR 124, pages 1038, 1179, 1330, 1332, Act no. 89-309
- McIntosh high school boys' basketball team, commended on their accomplishments of the 1989 basketball season—
SR 134, page 1110
- McIntosh high school girls' basketball team, commended on their outstanding 1989 basketball season—
SR 133, page 1110
- McKenzie, Mr. J. Thomas, commended on his distinguished career with Alabama power company—
HJR 209, pages 574, 613, Act no. 89-163
- McNeil, Mrs. Margaret R. Ephraim, of Montgomery, commended on outstanding achievements and service—
SR 206, page 1885
- Means, Mr. Etchridge, of Bay Minette, commended on his selection as a member of the delta belles and beaux—
HJR 390, pages 1824, 1911, Act no. 89-598
- Melcher, Ms. Margaret, of Gulf Shores, commended as a recipient of the papal medal of honor—
HJR 183, pages 475, 522, Act no. 89-140
- Merkerson family reunion, commended on their third annual reunion in Birmingham—
SR 276, page 2400
HJR 552, pages 2318, 2369, Act no. 89-905
- Miles college school of law, in Birmingham, commended on its successful endeavors to the legal profession—
SJR 163, pages 1430, 1491, 1492, 1606, Act no. 89-332
- Miller, Kay, of Montgomery, commended for outstanding service to the community and recognized as one of Montgomery's women of achievement—
HJR 332, pages 1819, 1910, Act no. 89-614
- Miller, Mr. Aura "Bucky", of the Grand hotel, commended as the recipient of the J. W. Marriott award in recognition of dedicated service—
SR 256, page 2307
- Millican, Mrs. Janice, commended for distinguished service to the Lamar county school system—
SR 138, page 1174
- Mince, Ms. Penny, commended for outstanding achievement and as a recipient of a week-long congressional seminar in Washington, D. C.—
HJR 362, pages 1818, 1910, Act no. 89-606
- Minor, Rev. Kirk, commended for outstanding contributions as director of Morgan-Lawrence services for the north central Alabama mental health board—
SJR 26, pages 154, 245, 269, 331, Act no. 89-57
- Mitchem, Mrs. Jill Tate, of Albertville, commended for outstanding achievement and as Albertville's 1988 "citizen of the year"—
HJR 111, pages 366, 412, Act no. 89-110

RESOLUTION, CONGRATULATORY (Continued)

- Monroe county bank, commended on 85 years of service—
SJR 194, pages 1822, 2028, 2071, 2221, Act no. 89-679
- Montgomery county education association, commended as among the winners of the first annual A+ awards for excellence in education—
HJR 428, pages 1829, 1909, Act no. 89-580
- Montgomery's women of achievement, commended for outstanding service to the community—
HJR 332, pages 1819, 1910, Act no. 89-614
- Mooney, mr. and mrs. Braxton Bragg, of Columbiana, commended on the occasion of their 60th wedding anniversary—
SR 52, page 391
- Moore, mr. Robert, of Marion county, commended on his retirement from Auburn university coastal plains substation—
SR 74, page 551
- Morehouse college, commended on their outstanding achievement as a scholastic and athletic institution—
SJR 244, pages 2261, 2393, 2421, 2457
HJR 564, pages 2316, 2370, Act no. 89-909
- Morgan, Mike and Robin Rea, commended for their extraordinary efforts during the recent labor dispute in Gadsden—
HJR 414, pages 1827, 1908, Act no. 89-802
HJR 462, pages 1830, 1908, Act no. 89-546
- Mosely, dr. John H., of Ozark, commended as 1989 superintendent of the year—
HJR 113, pages 366, 412, Act no. 89-111
- Murph, ms. Donna, of Bay Minette, commended as a member of delta belles and beaux—
HJR 393, pages 1825, 1912, Act no. 89-595
- Murphy high school band, of Mobile, commended for participation in the international competition in London, England—
HJR 81, pages 360, 411, Act no. 89-100
- National association of hospital admitting managers (naham), national hospital admitting personnel week, commended and recognized for the week of April 3, 1989—
HJR 284, pages 857, 924, Act no. 89-230
- National Odom assembly, commended on their 10th anniversary—
HJR 436, pages 1816, 1912, Act no. 89-545
- Neth, ms. Janice, of Robertsedale, commended as a recipient of the papal medal of honor—
HJR 185, pages 475, 522, Act no. 89-142
- New Life church of the Nazarene, Trussville, commended on its organization as a new church—
SR 217, page 2026
- New Site high School football team, commended for their accomplishments of the 1988 football season—
HJR 20, pages 127, 168, Act no. 89-11
- Nichols, mr. Gregory, of Marion, commended for receiving the American red cross certificate of merit award—
SR 254, page 2306

RESOLUTION, CONGRATULATORY (Continued)

- Noletto, mr. Herbert R., of Mobile, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 222, pages 656, 784, Act no. 89-177
- Nolin, mrs. Annie Mae Sullivan, of Cook Springs, commended for her contribution to the community—
HJR 328, pages 1820, 1910, Act no. 89-548
- O'Connor, ms. Sandra D., of Mobile, commended for outstanding achievement as the recipient of the national art education association award—
SR 119, page 1036
- O'Rear, ms. LaVerne, of Lowndes county, commended as the most outstanding special education educator of the year—
SJR 173, pages 1517, 2272, 2393, 2421, 2457, Act no. 89-922
SR 181, page 1628
- Occidental chemical corporation (oxychem), Mobile plant, commended for twenty-five years of successful operation—
SJR 126, pages 1069, 1180, 1330, 1332, Act no. 89-310
- Odom, mr. Tommy, of Citronelle high school, commended for outstanding achievement in his teaching profession—
HJR 88, pages 418, 482, Act no. 89-115
- Oliver, lieutenant Stanley, of Alabaster, commended for outstanding courage in the line of duty—
HJR 232, pages 657, 784, Act no. 89-183
- Orange Beach, commended on their 5th anniversary of incorporation—
SJR 259, pages 2327, 2394, 2420, 2457, Act no. 89-933
SR 260, page 2328
- Outlaw, mayor Arthur R., of Mobile, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 255, pages 812, 892, Act no. 89-217
- Overton, dr. Basil, commended for outstanding achievement and being named recipient of the Freed-Hardeman college presidents' distinguished writers award—
SR 59, page 439
- Owen, mr. Hugh, of Dadeville, commended for distinguished service to the city and community—
HJR 25, pages 135, 170, Act no. 89-27
- Oxford lake, 100th anniversary recognized—
SR 143, page 1278
- Paramount high school bobcats basketball team, of Boligee, commended on their outstanding 1988-89 season—
SR 158, page 1429
- Paramount high school football team, of Boligee commended on their outstanding 1988 football season—
SR 180, page 1628
- Parker high school, Birmingham, commended for participation in south-eastern consortium for minorities in engineering program—
SJR 99, pages 785, 932, 984, 1015, Act no. 89-255

RESOLUTION, CONGRATULATORY (Continued)

- Parker, coach Bettie and the Vigor high school's lady wolves, commended for winning the state 6A basketball championship—
SJR 83, pages 593, 815, 885, 964, Act no. 89-248
- Parrish, mrs. Linda, of Wallace college/Dothan, commended for outstanding professional achievement—
SR 249, page 2300
- Parsons, mr. Kirk, of Montgomery, commended for outstanding achievement for christian leadership in athletics—
SR 210, page 1956
HJR 526, pages 2317, 2369, Act no. 89-899
- Patterson, mr. Horace, of Alexander City, commended for distinguished service to the community—
HJR 23, pages 134, 170, Act no. 89-25
- Pell City high school girls' basketball team, commended for their 1989 season—
HJR 319, pages 1487, 2275, 2289, Act no. 89-734
- Pendley, deputy sheriff Harold, of Fayette county, commended for distinguished performance of duty—
SJR 41, pages 241, 2272, 2393, 2420, 2457, Act no. 89-921
- Pepper, mr. Fred, of Limestone county, commended for distinguished service to the community—
SR 195, page 1831
- Perdue, mr. and mrs. George, sr., of Birmingham, commended on the occasion of their 50th wedding anniversary—
HJR 513, pages 2318, 2369, Act no. 89-897
- Petcher, dr. Paul, of Chatom, commended for receiving the Washington county united way humanitarian award for volunteer service—
HJR 170, pages 479, 521, Act no. 89-134
- Peterson, ms. Margaret, of Elberta, commended as a recipient of the papal medal of honor—
HJR 187, pages 474, 522, Act no. 89-144
- Pierce, miss Connie, of Mobile, commended as "miss Stillwaters"—
SJR 277, page 2415
- Pitts, sergeant Willis H., of Mobile, commended on his outstanding career with the Alabama department of public safety—
HJR 107, pages 366, 412, Act no. 89-108
- Pizitz middle school band, of Vestavia, commended as the recipient of the "band of the month" award—
HJR 418, pages 1827, 1908, Act no. 89-584
- Popkin, Estelle, of Montgomery, commended for outstanding service to the community and recognized as one of Montgomery's women of achievement—
HJR 332, pages 1819, 1910, Act no. 89-614
- Post, mr. Arnold, of Dallas county, commended for outstanding service and contributions to the community—
HJR 248, pages 813, 891, Act no. 89-210

RESOLUTION, CONGRATULATORY (Continued)

- Potter, mr. Floyd, of Delta, commended as Clay county volunteer of the year—
SR 102, page 829
- PPG industries, commended along with employees for twenty years of operations in Alabama—
HJR 508, pages 2319, 2368, Act no. 89-893
- Prater, mr. Eugene Ned, of Gadsden, commended for distinguished service and outstanding accomplishments in the field of education—
HJR 261, pages 811, 891, Act no. 89-203
- Preyer, dr. Prince, jr., of Madison county, commended for outstanding professional achievement, service and contributions to the community—
HJR 268, pages 809, 892, Act no. 89-220
- Price, mrs. Margaret, of Berea, Kentucky, formerly of Sulligent, commended as woman of the year by local chamber of commerce—
SR 76, page 551
- Pritchard, ms. Hilda K., of Jackson's Gap, commended for distinguished service to the town and community—
HJR 13, pages 125, 168, Act no. 89-4
- Purvis, mrs. Betty R., of Millry, commended as Washington county united way's 1988 volunteer of the year—
HJR 171, pages 479, 521, Act no. 89-135
- Purvis, mr. J. B., of Geneva, commended on his distinguished career as executive vice president of the citizens bank of Geneva—
HJR 202, pages 575, 613, Act no. 89-159
- Putnam, ms. Emily, of Auburn commended for co-producing and developing the video, "focus on animals"—
HJR 336, pages 1820, 1910, Act no. 89-611
- Raby, mrs., Anita, of Limestone county, commended as president-elect of the Alabama education association—
SR 64, page 482
- Ragland high school boys' basketball team, commended on their outstanding 1989 season—
HJR 266, pages 810, 891, Act no. 89-206
- Ragland high school girls' basketball team, commended on their outstanding 1989 season—
HJR 245, pages 813, 891, Act no. 89-208
- Rea, Robin and Mike Morgan, commended for their extraordinary efforts during recent labor dispute in Gadsden—
HJR 414, pages 1827, 1908, Act no. 89-802
HJR 462, pages 1830, 1908, Act no. 89-546
- Reeltown high school football team, commended for their outstanding accomplishments in the 1988 season—
HJR 29, pages 135, 170, Act no. 89-31
- Reeves, mr. Brad, of Russellville, commended as president of the chamber of commerce—
SR 90, page 596

RESOLUTION, CONGRATULATORY (Continued)

- Richey, mr. Dale, commended as director of Alabama's farmers home administration—
SJR 112, pages 928, 1019, 1021, 1071, Act no. 89-283
- Riddle's chapel Methodist church, commended on the occasion of its 110th year anniversary—
SR 253, page 2306
- Riesener, coach Bob, of university of Montevallo, commended as collegiate conference coach of the year—
SR 267, page 2360
- Robertson, corporal Ray, of Mobile, commended by the police department as officer of the year—
SJR 120, pages 1036, 1178, 1330, 1332, Act no. 89-305
- Robertson, ms. Sarah, of Montgomery, commended as a recipient of the papal medal of honor—
HJR 499, pages 2320, 2368, Act no. 89-890
- Robertson, ms. Wamo Reed, of Birmingham, commended on the occasion of her 70th birthday—
HJR 137, pages 434, 484, Act no. 89-129
- Robinson, coach Terry, of Hamilton, commended for his outstanding coaching career at Lamar county high—
SR 71, page 551
- Robison, mrs. Opal, of St. Clair county, commended for distinguished service to the community—
HJR 8, pages 130, 169, Act no. 89-21
- Rodgers, mrs. Carolyn T., of Pell City, commended upon being named president of Alabama federation of business and professional women's clubs—
HJR 7, pages 130, 169, Act no. 89-20
- Romano, ms. Ursula Barrett, of Mobile, commended as a recipient of the papal medal of honor—
HJR 275, pages 810, 893, Act no. 89-226
- Rose, mr. Larry, of Gadsden, commended for outstanding performance for the university of Alabama's football team—
HJR 481, pages 2013, 2065, Act no. 89-774
- Russell, judge Robert Jackson, of Montgomery, commended on his appointment to the Alabama court of civil appeals—
SJR 116, pages 1034, 1178, 1330, 1332, Act no. 89-287
- Sanders, mrs. Gwen Stewart, of Fayette county, commended for outstanding professional achievement and service to the community—
SR 150, page 1391
- Sardis high school football team, and coach Jerry Smith, commended on their outstanding football season—
HJR 34, pages 124, 169, Act no. 89-16
- School boards, association of, commended for forty years of distinguished service—
SJR 9, pages 19, 245, 268, 331, Act no. 89-50

RESOLUTION, CONGRATULATORY (Continued)

- Schrimsher, mr. Randall A., commended for outstanding service to the Huntsville/Madison county community—
SR 34, page 196
- Schueler, mr. Bill, commended for distinguished service to Limestone county—
SR 213, page 2026
- Scruggs, judge Edward N., of Rock Springs, commended for distinguished judicial service—
SR 189, page 1638
- Seals, mr. James M., jr., of Mobile, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 214, pages 652, 783, Act no. 89-168
- Seay, mrs. Louise, of Franklin county, commended on her outstanding achievement and contributions in the educational field—
SR 82, page 552
- Sego, mr. and mrs. Frank, of Montgomery, commended on the occasion of their 25th wedding anniversary—
HJR 145, pages 431, 484, Act no. 89-131
- Sellers, mr. Phillip Allen, of Montgomery, commended as Montgomery's citizen of the year—
HJR 104, pages 367, 412, Act no. 89-106
- Selma housing authority, commended as a public housing agency performance award winner—
HJR 147, pages 431, 483, Act no. 89-113
- Senate staff, commended for outstanding service—
SR 275, page 2399
- Shackelford, mrs. Sue, of Hackleburg, commended as president of the national association of vocational home economics teachers—
SR 91, page 596
- Shannon, ms. Lisa Michelle, of Vestavia Hills, commended for outstanding academic achievement—
HJR 500, pages 2323, 2368, Act no. 89-891
- Sharpe, judge Eldon, of Tallapoosa county, commended for distinguished service to the county and state—
HJR 12, pages 125, 168, Act no. 89-3
- Shehane, mrs. Miriam, of Clio, commended for her courage and determination in her fight for the rights of victims of crime—
SR 16, page 105
- Shelwood, coach Johnny, of LeFlore, commended on his selection as state basketball coach of the year—
SJR 125, pages 1039, 1175, 1183, 1332, Act no. 89-285
HJR 322, pages 1486, 2275, 2289, Act no. 89-736
- Shines, John Ned "Johnny", of Coaling, commended on his accomplishments and contributions as a living legend of blues—
SJR 218, pages 2040, 2085, 2184, 2221, Act no. 89-684

RESOLUTION, CONGRATULATORY (Continued)

- Shotts, mrs. Mary Deana, of Marion county, commended as teacher of the year—
SR 67, page 550
- Simmons, miss Brandi, of Oxford, commended as the 1988 winner of the Baptist bible drill state competition—
HJR 42, pages 134, 170, Act no. 89-33
- Simpson, dr. John T., commended and Gadsden state community college, Alabama aquaculture center for the state of Alabama, designated as—
HJR 80, pages 359, 2273, 2289, Act no. 89-728
- Sims, mrs. Jessie W., of Camp Hill, commended for outstanding service and leadership—
HJR 19, pages 127, 168, Act no. 89-10
- Sizemore, Louise, of Montgomery, commended for outstanding service to the community and recognized as one of Montgomery's women of achievement—
HJR 332, pages 1819, 1910, Act no. 89-614
- Slater, mr. Larry, of Pell City, commended for his coaching career with the Pell City high school lady panthers basketball team—
HJR 320, pages 1627, 1633, Act no. 89-453
- Smith, coach Jerry, and Sardis high school football team, commended on their outstanding football season—
HJR 34, pages 124, 169, Act no. 89-16
- Smith, general Ivan R., of Childersburg, commended for distinguished military career—
SR 17, page 105
- Smith, mr. Daryl L., of Moulton, commended for his outstanding accomplishments and achievements—
HJR 487, pages 2004, 2065, Act no. 89-776
- Smith, mr. David Bryant, of Gadsden, commended for his outstanding accomplishments as quarterback for the university of Alabama—
HJR 416, pages 1827, 1908, Act no. 89-586
- Smith, mr. Gordon G., III, of Mobile, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 299, pages 1814, 1865, Act no. 89-560
- Smith, mrs. Bradley G., of Mobile, commended as a recipient of the papal medal of honor—
HJR 220, pages 655, 784, Act no. 89-175
- Smith, ms. Alice Vivian, of Montgomery, commended as a recipient of the papal medal of honor—
HJR 198, pages 539, 564, Act no. 89-157
- Smith, ms. June, of Enterprise, commended as a recipient of the papal medal of honor—
HJR 327, pages 1820, 1910, Act no. 89-549
- Snowden, master Thomas A., III, of Alabaster, commended as winner of the Shelby county spelling bee contest—
SR 53, page 391

RESOLUTION, CONGRATULATORY (Continued)

- South, mr. E. Adolph, of Tuscaloosa, commended as the fraternal order of police outstanding law officer of the year—
HJR 192, pages 474, 523, Act no. 89-149
- Southeast Alabama agricultural experiment station and school, commended in recognition of their establishment—
HJR 31, pages 127, 154, 171, Act no. 89-41
- Spotswood, ms. Vernice, of Mobile, commended as a recipient of the papal medal of honor—
HJR 219, pages 655, 784, Act no. 89-174
- Staggs, ms. Sabrina, of Florence, commended for her outstanding accomplishments as a distinguished student—
HJR 263, pages 810, 891, Act no. 89-205
- Stallworth, mr. John L., of Huntsville, commended on his numerous and notable civic contributions—
SR 146, page 1378
- Steiner, Russell and Steiner shipyard, incorporated, and employees commended for the building and launching of the 300th vessel, the MARC-LAURENT—
SR 268, page 2361
- Stewart, dr. John, commended as president of the university of Montevallo—
SR 266, page 2350
HJR 671, pages 2440, 2453, Act no. 89-873
- Strawbridge, miss Caroline, of Vernon, commended on her many outstanding accomplishments—
SR 153, page 1392
- Stuardi, mr. Frederick T., of Mobile, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 223, pages 656, 784, Act no. 89-178
- Summerlin, brigadier general Russell Elderred, of Clay county, commended on his distinguished military career and requesting the governor for promotion to the honorary rank of major general in the Alabama militia—
SJR 132, pages 1109, 1181, 1331, 1332, Act no. 89-314
- Sumter county high school basketball team, commended on their accomplishments of the 1988-89 season—
SR 241, page 2259
- Taylor, dr. Burt Fowler, of Mobile, commended for his distinguished professional achievement—
HJR 489, pages 2004, 2066, Act no. 89-544
- Taylor, mr. Hiram, of Dadeville, commended for his distinguished service to the city and community—
HJR 26, pages 135, 170, Act no. 89-28
- Tharp, Bryan Patrick, of Chalkville, commended for his outstanding achievement in the field of soccer—
HJR 434, pages 1828, 1911, Act no. 89-575

RESOLUTION, CONGRATULATORY (Continued)

- Thomasville high school football team, commended as our state 3A champions—
HJR 161, pages 431, 483, Act no. 89-120
- Thompson, mr. James R., jr., flight center-director and governor Guy Hunt, commended for their outstanding efforts and contributions toward the betterment of Alabama—
HJR 40, pages 240, 396, 428, 467, 533, Act no. 89-153
- Tipler, ms. Betty Lou, of Mobile, commended as a recipient of the papal medal of honor—
HJR 250, pages 812, 892, Act no. 89-212
- Tipton, Paul S., S. J., commended for distinguished service as president of Spring Hill college in Mobile—
SJR 176, pages 1619, 1831, 1918, 1940, Act no. 89-574
- Torrans, mr. Joseph V., of Mobile, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 251, pages 812, 892, Act no. 89-213
- Turnbo, mrs. Minnie, of Whistler, commended on the occasion of her 108th birthday—
SR 179, page 1628
HJR 466, pages 1830, 1909, Act no. 89-617
- Turnham, representative Pete, of Auburn, commended as dean of the Alabama legislature and Auburn university's number one booster—
HJR 242, pages 651, 783, Act no. 89-170
- University of Alabama-Huntsville, commended as the sponsor of America's first licensed commercial space flight—
SJR 204, pages 1839, 2028, 2071, 2221, Act no. 89-682
- University of Montevallo basketball team, commended for their outstanding accomplishments of the 1988-89 season—
HJR 342, pages 1487, 1555, Act no. 89-412
- University of south Alabama athletic department, coaches and teams, commended for receiving the commissioner's cup and winner of the sunbelt conference—
HJR 190, pages 474, 522, Act no. 89-147
- University of south Alabama basketball team, of Mobile, commended for their outstanding season—
HJR 458, pages 1830, 1913, Act no. 89-620
- Vann, ms. Juanita J., of Birmingham, commended on her nomination as a candidate for NEA uniserve director and for service in the field of education—
HJR 313, pages 1822, 1865, Act no. 89-552
- Vella, ms. Sandra, of Birmingham, commended as community education coordinator for Homewood city schools and for the establishment of a model extended-day program for children—
HJR 382, pages 1626, 1632, Act no. 89-451
- Vigor high school wolves football team, commended on winning the 1988 state 6A football championship—
SJR 27, pages 155, 246, 269, 331, Act no. 89-58
HJR 55, pages 123, 171, Act no. 89-38

RESOLUTION, CONGRATULATORY (Continued)

- Vigor high school lady wolves basketball team and coach Bettie Parker, commended for winning the state 6A basketball championship—
SJR 83, pages 593, 815, 885, 964, Act no. 89-248
- Vinson, lieutenant Marvin Houston, of Athens, commended on his outstanding law enforcement career—
SR 35, page 197
- Waldrop, mr. Pat, of Limestone county, commended for his distinguished service to the community—
SR 212, page 2026
- Wallace, mr. John, of Center Point, commended, for outstanding service as fire chief and distinguished community service—
SR 271, page 2372
- Wallace, Odessa, of Sulligent, commended as the 1988-89 state class 3A basketball player of the year—
SR 151, page 1392
- Warren, mr. David Wayne, jr., of Montgomery, commended as the 1988 recipient of the law enforcement officer of the year—
SR 69, page 550
- Washington county historical society, commended for their leadership in preserving the history and heritage of Washington county—
SJR 222, pages 2114, 2393, 2420, 2457, Act no. 89-923
- Watkins, mrs. Willie Mae, commended for her service to aging programs—
SR 211, page 2026
- Watson, Jeffrey, of Pell City, commended for outstanding achievement as a student athlete—
HJR 486, pages 2004, 2065, Act no. 89-775
- Watts, Jason, of Marshall county, commended for outstanding achievement in the statewide spelling bee—
HJR 531, pages 2317, 2369, Act no. 89-901
- Waybright, mr. Jim, of Limestone county, commended for distinguished service to the community—
SR 227, page 2117
- West end high school volleyball team, of Walnut Grove, commended on winning the 1988 class 2A state volleyball championship—
HJR 6, pages 130, 169, Act no. 89-19
- Westbrook, mrs. Gene, of Robinson Springs, commended as author of the magnolia collection, Alabama reunion cookbook—
HJR 439, pages 1816, 1912, Act no. 89-547
- Wheat, mrs. Angeline, of Selma, commended for dedicated and honorable service to the state—
HJR 293, pages 1814, 1866, Act no. 89-566
- Whetstone, mr. and mrs. Luke, of Geneva, commended on the occasion of their 50th wedding anniversary—
SR 258, page 2327

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- Whiddon, dr. Frederick Palmer, commended for distinguished service to the university of south Alabama and as Mobilian of the year—
SJR 155, pages 1421, 1481, 1481, 1543, Act no. 89-324
HJR 191, pages 474, 522, Act no. 89-148
- White, mrs. Jennifer, of Limestone county, commended as humanitarian of the year for her outstanding professional achievement and service to the community—
SR 113, page 932
- White, ms. Edythe Daffin, of Jackson, commended for the honor of being Zeta's woman of the year—
HJR 154, pages 433, 483, Act no. 89-124
- White, representative Lester, of Dadeville, commended as the recipient of the outstanding legislator award—
SJR 191, pages 1720, 1832, 1918, 1940, Act no. 89-569
- Whitlock, colonel Harold S., commended upon his retirement from the university of north Alabama—
SR 198, page 1831
- Wilcox county high school basketball team, commended on their 1988-89 outstanding season—
SR 142, page 1183
- Wilkins, ms. Myriam, of Mobile, commended as a recipient of the papal medal of honor—
HJR 273, pages 809, 893, Act no. 89-224
- William J. Jones high school mustangs, commended on their outstanding 1988-89 basketball season—
SR 221, page 2109
- Williams, mr. Luis M., of Mobile, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 300, pages 1815, 1865, Act no. 89-559
- Williamson high school girls' basketball team, of Mobile, commended as 1989 state 5A champions—
HJR 302, pages 1815, 1866, Act no. 89-557
- Williamson high school lady lions and coach Curtis Horton, commended for winning the state 5A basketball championship—
SJR 84, pages 594, 815, 885, 964, Act no. 89-249
- Wilson brothers construction and families, commended for contributions and services to the state of Alabama, Talladega county and the city of Childersburg—
SJR 224, pages 2116, 2393, 2421, 2457, Act no. 89-928
- Wilson, dr. A. W., of Montgomery, commended as pastor of Holt street Baptist church—
HJR 516, pages 2318, 2369, Act no. 89-898
- Wilson, mr. Joseph H., of Mobile, commended for receiving the knight of the order of saint Gregory the great, civil class—
HJR 254, pages 811, 892, Act no. 89-216
- Wilters, judge Harry J., jr. of Baldwin county, commended for his distinguished and dedicated service to the judicial system—
SJR 4, pages 5, 244, 267, 331, Act no. 89-45

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- Wimmer, miss Kimberly Marie, of Mobile, commended on being named the 1989 Alabama junior miss—
SJR 22, pages 122, 245, 268, 331, Act no. 89-55
HJR 288, pages 1814, 1866, Act no. 89-567
- Wise, mr. Rayfield, of Camp Hill, commended for outstanding community service and leadership—
HJR 17, pages 125, 168, Act no. 89-8
- Wisper, miss Helen, of Montgomery, commended as a recipient of the papal medal of honor—
SJR 122, pages 1037, 1178, 1330, 1332, Act no. 89-307
- Wisteria club of Gadsden, recognized with commendation for their contributions to the enrichment of young lives—
HJR 32, pages 128, 169, Act no. 89-14
- Woodham, mrs., Myra, of Wallace college/Dothan, commended for outstanding professional achievement—
SR 250, page 2300
- Woods, mr. Paul, commended upon his retirement as director of missions for the Marion county Baptist association—
SR 88, page 596
- Woods, mrs. Aileen, of Daphne, commended as a recipient of the papal medal of honor—
HJR 188, pages 474, 522, Act no. 89-145
- Wright, mrs. Anne Griffin, "first lady of Mobile", commended for outstanding community service—
SJR 7, pages 17, 244, 268, 331, Act no. 89-48
- Yarbrough, mr. James Ray, of Dadeville, commended for distinguished service to the city and community—
HJR 24, pages 134, 170, Act no. 89-26
- Zoghby, mr. Salime A., of Mobile, commended for receiving the knight of the saint Gregory the great, civil class—
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HJR 57, pages 124, 171, Act no. 89-39
- Alabama leadership network, commended as the first such organization in the south and designating October 26, 1989 as A-team day—
HJR 502, pages 2323, 2368, Act no. 89-892
- Barron-Britnell act, house bill 149, named, recognizing the need to provide fresh water systems in Alabama—
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- Bob Hall drive, a portion of Alabama highway 75 designated as—
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- Breedlove alligator bill, house bill 17, 1989 regular session, regarding alligator farming, designated—
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- Clyde A. (Polly) Clark parkway, a portion of Highway 78 within the
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- Decatur, named as the ballooning capital of Alabama—
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- DeSoto caverns parkway, portion of Alabama highway 76 in Talladega
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- Dr. C. P. Horn—Clay county nursing home, designated—
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- Dr. E. L. McCafferty, sr., human resource center named in his honor
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- Gadsden state community college designated as aquaculture center for
Alabama, and dr. John T. Simpson, commended—
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- Joe M. Ford bridge, the new southside bridge over the Coosa river
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- John A. Teague student center on campus of Alabama institute for deaf
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- John M. Weed adult learning center at Lurleen B. Wallace state junior
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- John Thomas Mathison baseball field, located at George W. Long high
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H	356	—Act No. 89-	855
H	365	—Act No. 89-	914
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H	391	—Act No. 89-	405
H	400	—Act No. 89-	328
H	401	—Act No. 89-	461
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H	417	—Act No. 89-	443
H	418	—Act No. 89-	193
H	428	—Act No. 89-	739
H	445	—Act No. 89-	862
H	446	—Act No. 89-	868
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H	449	—Act No. 89-	390
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H	474	—Act No. 89-	403
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H	499	—Act No. 89-	197
H	500	—Act No. 89-	444
H	510	—Act No. 89-	465

H	514	—Act No. 89-	466
H	517	—Act No. 89-	259
H	518	—Act No. 89-	746
H	521	—Act No. 89-	856
H	523	—Act No. 89-	265
H	535	—Act No. 89-	463
H	541	—Act No. 89-	467
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H	545	—Act No. 39-	880
H	546	—Act No. 89-	529
H	548	—Act No. 89-	376
H	549	—Act No. 89-	380
H	555	—Act No. 89-	758
H	563	—Act No. 89-	805
H	565	—Act No. 89-	631
H	567	—Act No. 89-	260
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H	584	—Act No. 89-	395
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